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ILLEGAL ALIEN FELONS: A FEDERAL RESPONSIBILITY

HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL SPENDING, BUDGET, AND ACCOUNTING

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

MARCH 12, 1987

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ILLEGAL ALIEN FELONS: A FEDERAL RESPONSIBILITY

THURSDAY, MARCH 12, 1987

U.S. SENATE,
SUBCOMMITTEE ON FEDERAL SPENDING,
BUDGET, AND ACCOUNTING,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:05 p.m., in room SD-342, Dirksen Senate Office Building, Hon. Lawton Chiles, chairman, presiding.

Present: Senator Chiles.

OPENING STATEMENT OF SENATOR CHILES

Senator CHILES. Good afternoon. The fact that a good number of the persons committing crimes in the United States are illegal aliens is complicating and frustrating an already overburdened legal and penal system.

Last year, over 100,000 illegal aliens were arrested for criminal offenses. Yet only 12,000 were deported. I think those two figures—100,000 versus 12,000—clearly describes the immense problems such felons have presented to our law enforcement system.

These illegal felons, we might call them, or alien felons, are in an array of illegal enterprises including drug trafficking, money laundering, fraudulent credit card rings, racketeering, weapon sales and prostitution. Today, we are going to concentrate on their activities in the narcotics industries.

Two of the Nation's most difficult domestic problems have banded together to create an even more difficult and dangerous problem—an expansive drug syndicate established and managed by illegal aliens.

These drug syndicates have flourished over the past few years, and today they can be traced throughout Central America, the Caribbean Islands, the Bahamas, Haiti, and the United States. These syndicates operate many of the drug networks—crack, cocaine and heroin—and in Florida and throughout the United States. Their presence in the United States is so widespread and lucrative that they are attracting other aliens just to come into the illegal enterprise.

We used to have a problem because an alien would come into this country and get a job, a legal job, and he would send word back, Come on, you can get a job, too. Now, we have got to worry about an alien coming into the country and getting an illegal job and making those kinds of profits and send the word back and recruit other people to actually come in. So we are exacerbating what was already a tremendous problem in bringing those in.

We know of clandestine drug labs in the United States that are run by illegal Colombians.

Nigerians are known to be involved with a heroin drug smuggling operation.

One of the largest and most widespread crack operations is run by illegal Haitians.

It is common knowledge that the U.S. immigration law allows for the deportation of aliens who are in the United States illegally as well as for aliens who commit felonies while in this country.

However, identifying and prosecuting such illegal alien felons is a long and complex process. The chart on the right details the procedure. It is this lengthy and often inefficient procedure which is frustrating our law enforcement officers. It is not uncommon for an alien who has committed a certain felony to pay his bond and walk, only to be arrested for a similar crime in the next county but with a new name and identification. Often, police have no idea of the real identification of this criminal. Many roam throughout Florida with numerous bond slips on their person. They have no fear or respect for our legal system, and that is for a very good reason: it does not do anything to handicap their operation other than they put out a little money for the bond, and then they are right back in business.

We are going to be discussing this procedure in greater detail with our witnesses who represent law enforcement from local, State and Federal levels. This is intentional. This problem, is so complex that it is going to take a coordinated and cooperative effort by all levels to find solutions.

I feel strongly that the immigration enforcement is a Federal responsibility, and illegal alien felons are included in this arena. Their presence in this country is due to inadequacies in immigration policy and implementation. Local and State officials cannot, and should not, bear the sole burden for prosecuting and incarcerating these criminals.

The Federal Government has to take the leading role in reacting to the increasing numbers of illegal alien felons in this country.

What improvements can be made in the overburdened immigration court system, and how can the INS expedite documentation of aliens' status? Those are some of the questions that we hope to start getting at today.

Should the law be amended to allow for mandatory detainers on aliens arrested for specific felonies? In other words, should we be able to stop this process where, in effect, you have an arrest, then a bond is set, and in that instance right there, many times that person walks; he is back and you just start it over again. You are back to the arrest and the bond set. But even when you get down to the court system, we find that there are also places in which that person many times there can also take that walk, come back in a new identification. No one has deported him; no one has been able to set up a tracking system now that we know who he or she is, regardless of what they say their name is, so that we can track them and know whether that is the same person or not.

Would a no-bond policy be effective or would it only add to an already overcrowded prison system?

Under the new Anti-Drug Abuse Act, the Attorney General is given the responsibility for custody of certain aliens. How is that being implemented, and where are such aliens being detained or where will they be detained?

These are but a few of the areas where the Federal Government has to make decisions and assist state and local officials in developing an effective policy with regard to illegal alien felons. I am hopeful that today's hearings will lead to an answer to a number of these questions.

Our first group of witnesses is made up of law enforcement officials from the State of Florida. We have Mr. Robert Dempsey, the Commissioner of the Florida Department of Law Enforcement. We have Sheriff John Polk of Seminole County. We also have Willis Booth, the Executive Director of the Florida Police Chiefs Association.

This is an area in which for the first time I have seen chiefs and sheriffs really work together. That is something none of them used to like to do. I see you all grinning. But crack and the problems that came with crack and the problems that have come with the illegal alien felon, has put you fellows together. I think that bodes well for law enforcement.

Sheriff John Polk, who is a former head of this sheriffs organization, is going to give us some testimony about what he has been able to find in his county, Seminole County, a county which has grown from 60,000 people in 1960, I think you said, Sheriff, to how many thousand now?

Mr. POLK. 245,000.

Senator CHILES. 245,000 now.

Are you going to start off for us, Sheriff Polk?

TESTIMONY OF JOHN POLK, SHERIFF, SEMINOLE COUNTY, FL; ROBERT DEMPSEY, COMMISSIONER, FLORIDA DEPARTMENT OF LAW ENFORCEMENT;[1] AND WILLIS BOOTH, EXECUTIVE DIRECTOR, FLORIDA POLICE CHIEFS ASSOCIATION

Mr. POLK. Yes, sir. Mr. Chairman, on behalf of the Florida Sheriffs Association representing all 67 counties, especially on behalf of the citizens of Seminole County in Florida, I would like to take this opportunity to thank this committee for allowing us to appear before you to speak about an issue which we believe has reached a crisis problem: illegal aliens and their involvement in drug smuggling and other serious crimes.

Let me begin by saying the problems which my county has experienced, and let me point out that Seminole County is the third smallest county geographically in the state of Florida. What my county has experienced in this area are shared throughout the state but are somewhat amplified in Seminole County because of its central location in the state and its proximity to Orlando and Disney World.

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[1] See p. 31 for Commissioner Dempsey's prepared statement.

Because of this location, Seminole County has experienced a rapid growth over the last few years. Along with that growth has been an increase in crime. However, we have one type of criminal and one type of crime in which we feel that local government cannot and should not be responsible for: that of the illegal alien who commits felons. These individuals are not supposed to be in the country, much less the state of Florida, or even Seminole County.

Furthermore, the crimes they commit often involve far reaching conspiracies which transcend international borders. These are not the type of individuals or the type of crimes which we would traditionally expect to be the responsibility of local government.

The problems with illegal aliens which we have experienced in Seminole County, for the most part, have involved Haitians and the crack cocaine epidemic. I know that Sheriff Jamie Adams from Sumter County, Florida, in July addressed this same Subcommittee on Investigations on the problems his county had experienced with Haitians and their involvement with crack cocaine.

I am here today to tell this subcommittee that these problems have not gone away but, indeed, have gotten much worse. In Seminole County, we too have seen a dramatic increase in the use of crack cocaine. This has also resulted in a dramatic increase in the number of other drug-related crimes and drug-related arrests, particularly those involving burglary and stolen property.

We should not focus entirely on the crack cocaine aspect of criminal conduct by this relatively small group of Haitians, because suffice it to say that where persons are dealing in narcotics, every other serious crime can usually be associated with it. Instead, I want to focus on the nationality of these individuals and other illegal aliens and who should ultimately be responsible for their incarceration.

In Seminole County, the narcotics investigation unit has identified a crack cocaine distribution ring of approximately 45 Haitians. I point out that we have a larger number of Haitians, and this is the core of the ring. Of those 45, 18 have been previously arrested on drug-related charges. I would point out that we have had one arrested three times in seven days, all under different names, bonding out——

Senator Chiles. You arrested the same individual three times in seven days, and each time he purported to be a different individual?

Mr. Polk. Yes, sir.

Senator Chiles. And each time he was bonded out?

Mr. Polk. Each time he was bonded out. Each time the arrest was made, we confiscated large amounts of money and crack cocaine. He bonded out each time under three different names.

Senator Chiles. That is in your own county. That was not switching counties; that was right in Seminole County?

Mr. Polk. That was right in Seminole County, sir.

As to the citizenship, we have documented that 8 of the 45 are believed to have married U.S. citizens, and four of the 45 have presented some type of immigration papers, whether it be the 29-day pass or work permit that is issued to them. However, none of the

45 have cards or any documentation attesting to their U.S. citizenship.

Senator CHILES. Let me ask you something. If they have that 29-day pass, my understanding is, because INS has not had any place to hold these people, that says you will leave the country voluntarily within 29 days. So that is what the 29-day pass is, right?

Mr. POLK. Yes, sir, but it does not always work that way.

Senator CHILES. I understand they just laugh at that. That is like their card.

Mr. POLK. Yes, sir.

Senator CHILES. OK.

Mr. POLK. We applaud the recent enactment by Congress of the Anti-Drug Abuse Act of 1986 changing the immigration and naturalization laws to expand the prohibition against persons entering this country who have been convicted of any offense related to controlled substances. I am told that additional investigators will be provided within the Immigration and Naturalization Service to document the status of those individuals whom local law enforcement are able to locate.

We are also encouraged by the increase in the number of immigration judges and personnel to act on cases where illegal aliens have committed a felony. We can only hope that the additional investigators and judges will be located in those parts of the country that are experiencing the greatest problems with illegal aliens. I can assure you that Florida, and especially Central and South Florida, qualify as such parts of this country.

The Sheriffs of Florida are also encouraged by the provisions contained in the same legislation which requires the Secretary of Defense to provide to the Attorney General a list of available military sites which can be used as prisons to detain illegal aliens. In addition, we are particularly encouraged by the requirement for the Immigration and Naturalization Service to provide a prompt response to inquiries by local law enforcement officials concerning suspected illegal aliens arrested for drug violations.

We know that the law says that. Whether it be the lack of funds or lack of manpower, they are not getting the immediate response from INS that are contacted.

While we are encouraged by the recent changes in federal legislation, we do not believe we have gone far enough. Last year in the state of Florida, we had a total of approximately 173 suspected illegal aliens who were held in our county jails during 1986 pending verification by Immigration and Naturalization Service. These 173 were not the ones that committed crimes. These were the ones we had picked up not knowing whether they were illegal or not.

The number of illegal aliens who have committed separate crimes is not recorded separately, to my knowledge, and we really have no estimates on the number of persons that might fit into that category.

Senator CHILES. Do you not think we should have a way of recording that so we would have that information?

Mr. POLK. Yes, sir. It would take a network, and I think that in the State of Florida we could work with Commissioner Dempsey and FDLE and record with them and let them the clearing house for the State of Florida.

Senator CHILES. It would seem like to me that is the figure that we definitely need. We know it is big, but we ought to have that number.

Mr. POLK. Again, let me assure you that the problem is one which is rapidly growing and one which needs a solution.

We believe the solution should be an aggressive policy adopted by both the Immigration and Naturalization Service and the Department of Justice to ensure that the previously mentioned legislative mandates are carried out. But above all, there needs to be a clear, distinct and uniform message from both governmental agencies that persons who are illegally in this country will be deported, regardless of whether or not they have committed an additional crime. And those who are illegally in this country who commit a crime will either serve their time in a federal facility and then be deported back to their country, or they will be deported to serve their sentence in their own country, if we can work out that type of an agreement.

While this may add to the "revolving-door" syndrome of having some of those individuals on the next boat bound for the United States, I do not believe we have any alternative in this regard. Anything less than an aggressive deportation policy will simply encourage illegal aliens into crossing our borders.

If local law enforcement has arrested a suspected illegal alien for any criminal infraction, there should be an expeditious inquiry into the status of the individual. If it is determined that the person is without authority to be in this country, then there should either be an automatic detainer issued against the person, or a no-bond policy adopted for such individuals to prohibit their release from incarceration.

After issuance of the detainer, local prosecutors should have the option of whether or not to prosecute the case depending upon the severity of the charges. If illegal aliens are not prosecuted, or if prosecuted and found not guilty, they should be turned over to the federal authorities for deportation. If the case is prosecuted and the person is convicted, they should be immediately turned over to the federal authorities to serve their sentence.

Upon completion of this sentence, again, the illegal aliens should be deported back to their country of origin. In both cases where either the alien is prosecuted or not, there should be responsibility on the federal government's part to help pay for their incarceration in the local facilities.

And, finally, whether the person is prosecuted or not, there should be an expansion of efforts to allow immigration proceedings to take place in the county jails.

In Seminole County, we are expanding our jail. We are building a complete courtroom so that if Immigration or us are having to transport the prisoners to in our case Orlando, for magistrates that actually come and use our courtroom.

In conclusion, let me again state that we believe that at least part of the answer lies in an aggressive deportation policy by both the Immigration and Naturalization Service and the Justice Department, and the prompt issuance of detainers by the Federal agencies for illegal aliens charged with any criminal offenses. And, finally, upon sentencing, these individuals should be immediately transported to a federal to complete their sentence.

While we do not profess that this is the solution to this immense and growing problem, we do believe that these suggestions would be a step in the right direction.

Senator CHILES. Thank you, Sheriff Polk.

Mr. Dempsey.

Mr. DEMPSEY. Thank you, Senator. To some extent, what I have to say will be redundant, but I would like to——

Senator CHILES.If you could give us an oral summary, that would be helpful.

Mr. DEMPSEY. I will try to do that. Before I do, I would like to address your comment about the chiefs and sheriffs working together, which is from your point of view refreshing. I want to assure that the chiefs and sheriffs in Florida have been working very harmoniously for a long time. I have been at some fish fries and some barbecues where they really attack the subject with great vigor and joint cooperation. So there is a good relationship there.

I would like to thank you for giving me the opportunity to be here, Senator, to address the issue of illegal alien felons and the problems that the state of Florida has in dealing with them.

As you are aware, we have experienced a growing problem with illegal aliens who commit felonies. This problem is not easily resolved. First, law enforcement has a difficult task in identifying an illegal alien once they commit a crime and are apprehended. A typical case scenario is one in which an illegal alien is arrested for transporting illegal drugs, is taken to a local jail and booked, and bond is set. These illegal aliens frequently bond out immediately and are never seen or heard from again until they commit new crimes and are brought into the system under a new alias or name.

Another situation facing Florida's criminal justice community is the release of these illegal aliens under a "Grant of Voluntary Departure" due to inadequate facilities to hold these aliens. This grant, as Sheriff Polk has indicated, gives these aliens up to 29 days to depart the country, and it is renewable. It is an absolute sham that this process is all that we have to deal with people like this.

This allows the illegal alien felon to return to his criminal activity, usually with no intention of departing the United States. In such cases, it is impossible for INS personnel to ensure that the subject has departed or to locate the alien.

Many police officers—and this is significant—do not understand Immigration and Naturalization Service laws, methods of identifying illegal aliens, or how the INS can assist in identifying, deporting or detaining such aliens. There is no information link between the state and local law enforcement agencies and the Immigration and Naturalization Service to identify these people once they are in custody.

If an illegal alien felon is identified as an "illegal," there are inadequate federal facilities to house these criminals which results in placing the felons in our already overcrowded county and State facilities, not to mention the tremendous cost to State and local government.

Once the illegal alien felon is arrested, we face the dilemma of whether to seek deportation or incarceration. The problem with deportation is that frequently the illegal alien felon re-enters the United States and is back on the street participating in additional criminal activity within weeks or even days after their deportation.

And I have to comment here because there was some discussion about this at lunch. This is not uniquely a Florida problem. I think that if you heard from Texas, Arizona, California, New Mexico, and some of the other major metropolitan areas, you would find the same situation prevails.

Additionally, the INS and Federal courts are woefully understaffed and frequently are delayed in responding to the local and state agencies once the illegal alien felons are in custody.

After pointing out these problems, I would like to offer some recommendations and would urge the Federal Government to consider these recommendations to aid State and local governments, which have borne the brunt of this Federal problem.

I feel that INS should develop and provide seminars and/or training literature to law enforcement agencies to provide knowledge of the INS laws, methods of identification of aliens, and how INS can assist in such instances. This would provide for a better understand by law enforcement and facilitate the proper handling of illegal alien felons.

Another recommendation is that a study be conducted into the feasibility of linking the National Crime Information Computer System to the Immigration and Naturalization Service computers in order to promote better communications between INS and other law enforcement agencies.

I strongly urge that the Federal Government increase the number of immigration administrative and enforcement personnel in order to effectively control our alien felon problems. We know that their resources, like most of ours in criminal justice, are short, and they need to be beefed up to carry out the programs that they have in place.

I also urge that the number of facilities to house these felons be dramatically increased. These measures would allow quick action on cases where aliens are accused of committing felonies and would allow immigration officials to give priority to illegal alien felon cases over all other immigration proceedings.

I applaud the immigration law which now directs the Attorney General to deport aliens convicted of drug offenses and other criminal activities when the alien is sentenced to at least a year. However, I share the concern that if the alien avoids incarceration prior to his being deported or is not detained in his own country after being deported, then he may easily return to the U.S. and again be a frustration to our overburdened criminal justice system.

A resolution adopted by the Central Florida Law Enforcement Association requests that the United States Congress enact a bill requiring all foreign nationals entering the United States to place his or her thumb print and signature on the I-94 Form given to all aliens by the Immigration and Naturalization Service. I feel that, in addition, a photograph on the I-94 would also assist in identifying these subjects.

I also feel that the initiation of mandatory detainers on aliens being held for certain felonies and/or a no-bond policy for such aliens may prevent these aliens from "buying" their way out of detainment and returning to their criminal pursuits.

In order to curb the crime perpetrated against our citizens, we look forward to continued cooperation between Federal and Florida officials in order to remedy this problem of illegal alien felons. And in closing, I am encouraged that some relief may be forthcoming based upon the obvious concern of Senator Chiles and the other members of this committee. I appreciate your initiative by obtaining testimony from the local and state officials regarding this problem.

Thank you very much, Senator.

Senator CHILES. Thank you, Commissioner Dempsey.

Mr. Booth.

Mr. BOOTH. Mr. Chiles, on behalf of the Florida Police Chiefs Association representing the 350 police chiefs in the state, I am happy to tell you, sir, that not only on this particular issue but on the great issues that confront all of us in Florida, that today is one of the fastest growing States in the Union, that your police chiefs and sheriffs have never been more harmonious and are working together as a stonewall. I am very happy to report that to you.

Senator CHILES. Glad to hear that.

Mr. BOOTH. We thank you for this opportunity to speak to you today regarding this subject of illegal aliens and their involvement in criminal activities in our State. Over the past 5 or 6 years, we have witnessed a steady growth of criminally involved aliens that originated in South Florida and now has reached into nearly every jurisdiction in Florida.

This issue, coupled with the fact that Florida is one of the fastest growing States in the Nation, is now a vital concern to us.

We now have somewhere around 11½ million people. In less than 4 years, we are going to have about 13 million, and by the turn of the century around 17 million. That will make us the third largest State in the Union.

Now, it is most difficult to meet the challenge of crime involving our own citizens and the tremendous growth that we have had in Florida. Now, we are faced with another huge problem of alien criminals who have injected their presence into the sale and distribution of illegal narcotics and dangerous drugs, which includes the present crack cocaine epidemic in Florida. That has now reached into even the most remote rural areas of our State. This is ironic because, as Sheriff John Polk has testified, many of these criminal activities are being perpetrated by aliens who are not even supposed to be in our country, much less in the state of Florida.

This ought not to be. I have noticed, in this list of various cities and the supply areas and so forth, that Tampa has had a tremendous problem. Chief Don Newberger has testified before you before. I talked with him within the last couple of days, and he says that the big problem in Tampa is the fact that they have addressed—and we are not talking about minor use problems or minor drug problems. We are talking about aliens who are engaged in drug trafficking, primarily in crack cocaine, which is having a tremendously adverse effect upon our people. They are charged with violations. They cannot hold them because all they do, as has been testified, they post the required bond, they go out of sight, and within hours or within days they appear somewhere else in another area under another name, nobody knowing who they are, commencing their operations all over again.

These cases, as I said are not minor offenses, but rather large operations in drugs involving huge amounts of money. Chief Bo Powell in Fort Pierce, which is on the lower east coast of Florida, a very small town down in St. Lucy County, advises that since 1981 when the Mariel boat lift came, and also the Haitian boat people, in Fort Pierce they have experienced an unparalleled influx of illegal aliens, primarily Haitians. From 10,000 to 12,000 of these aliens are in Fort Pierce right now. It is a very small community, and the criminal impact has been extremely harsh.

Last year, there were 962 drug cases alone documented in the small city of Fort Pierce.

His major concern as far as the Federal Government is concerned is lack of communications, no Federal assistance. The local community is burying its head with burdens, with little or no Federal assistance at all.

Second, that the number of aliens involved in criminal activities, particularly drugs, is increasing every day.

And, third, this influx is creating a burden on an already overcrowded jail in the area resulting in aliens receiving 25 days off their sentences for every 30 days of good behavior.

Dade County, which has been in the very center of this storm since the influx of Mariels and Haitians began some six years ago, and they have continued to bear the brunt of the problem. I will not bring it into play this afternoon, Senator Chiles, but I have voluminous information from Dade County.

Senator CHILES. Well, we would like to have that information for the record, if we may.

Mr. BOOTH. You will.[1]

Mr. BOOTH. We are indeed encouraged, and we thank you for the recent Anti-Drug Act passed by Congress in 1986, and for the measures contained therein which will hopefully be of great assistance to our local police agencies in bringing a successful resolution to this vexing problem. However, we believe it did not go quite far enough.

We really believe the solution should be an aggressive policy of both the Immigration and Naturalization Service and the Department of Justice to ensure that these legislative mandates are followed through, and there needs to be a clear and evident uniform message from both of those agencies that persons who are illegally in this country will be deported and, further, those who commit crimes will serve their sentence in a Federal facility and then be deported to their own country, or they will be deported to serve their sentence in their own country, whichever is the fastest.

Our position is not to debate the moral issues of whether or not people from other countries are desirous of relocating to the United States of America and for the freedom and the liberty that are offered here for our citizens and our visitors. However, in this instance, we are faced, not with people who are looking for freedom and liberty, but they are the issue of crime, and criminals who are illegal aliens. To successfully combat and resolve the problems, it is clear that the local governments cannot bear this burden alone.

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[1] See p. 39.

The Federal Government has the responsibility and the obligation to provide the resources necessary to help us alleviate these problems.

Senator CHILES. Thank you. And I want to thank each of you for your statements, and Chief Sheppard for being here. I think they are very comprehensive and we certainly want to look over all of the suggestions and see how we can help and implement those suggestions.

I hope you all will be able to stay here for awhile and listen to some of our other testimony because I would like to have your comments as to what you think of what comes forward with the rest of it. But I thank you very much for the work you all are doing in your local communities and for taking the time to come up here and share with us in this regard.

Thank you.

Now we are going to hear from a police informant. We will call him John Doe for the purpose of our hearing. He is an informant of the Orlando Police Department, and he is accompanied by Investigator Glen Gouse, of the Special Investigations Division, and Lt. Dave Smith of the Special Investigations Division of the Orlando Police Department.

Now, we are not going to go through the procedure of sort of clearing the room as we have done. We are going to bring him in a mask. And I do not mind if the cameras operate during that period of time. Then we will put him behind a screen at that time where he can take his mask off and testify. We will ask that the lights be dimmed and that you put your cameras down, and that any photographic equipment also be put away.

We have assured the Orlando Police Department that we will, and Mr. Doe, that we will cooperate in continuing to conceal his identity. [Pause.]

Senator CHILES. Now if we can have order in the room now.

Mr. Doe, we want to thank you for your appearance here. I want to ask you if you will raise your right hand.

Do you swear that the testimony you are about to give the Committee will be the truth, the whole truth, and nothing but the truth so help you God?

Mr. DOE. I do. Everything I say is the truth.

Senator CHILES. All right.

Then I am going to ask you if you will read your statement and if you will try to come up close to that mike so that we will be able to hear.

TESTIMONY OF "JOHN DOE," INFORMANT OF ORLANDO POLICE DEPARTMENT, ACCOMPANIED BY INVESTIGATOR GLEN GOUSE, AND LT. DAVE SMITH, SPECIAL INVESTIGATIONS DIVISION, ORLANDO POLICE DEPARTMENT

Mr. DOE. I was born in Port-a-Prince, Haiti, in 1961. A few years later, my family left Haiti due to the problems with the government and moved to Canada.

Senator CHILES. So you were born in Haiti in 1961, and you moved from Haiti due to problems with the government, and you moved to Canada at that time?

Mr. DOE. Yes.

Senator CHILES. All right.

Mr. DOE. And moved to Canada. I entered the United States illegally last year and came to central Florida where I met many illegal Haitians who deal crack cocaine.

Senator CHILES. You came into Florida illegally, came into the United States and you went to Florida, and you met up with Haitians that were involved in an illegal crack enterprise, and they were also illegal aliens?

Mr. DOE. Yes.

Senator CHILES. All right.

Mr. DOE. Through these contacts, I learned how cocaine is transferred through Haiti to Fort Pierce, West Palm Beach, then to the central Florida area for street sellers.

Senator CHILES. So, through those contacts you had, you found out how cocaine is transferred from Haiti to West Palm Beach, and then on up to Fort Pierce, and up to central Florida for street sale?

Mr. DOE. Yes.

Senator CHILES. All right.

Mr. DOE. Of all the Haitians that I have met in Orlando, approximately 60 percent are involved in drug trafficking. I have learned that Haitian drug dealers send large amounts of money to Haiti to support the government. The government keeps the money for its own use.

Senator CHILES. You are saying that the Haitians you have met in Orlando, about 60 percent of those are involved in drug trafficking, and it is your opinion that the Haitian drug dealers send large amounts of money to Haiti that someone in the government is getting and that they are keeping a large amount of that money for its own use?

Mr. DOE. Yes.

Senator CHILES. Go ahead.

Mr. DOE. The main Haitian families who control the drug network in Florida live in Fort Pierce and West Palm Beach.

Senator CHILES. So this is done by Haitian families and the main families that control the network live in Fort Pierce and West Palm Beach?

Mr. DOE. Yes.

Senator CHILES. All right.

Mr. DOE. The average Haitian who deals drugs on the streets of Orlando makes approximately $2,000 per week.

Senator CHILES. The average Haitian who deals drugs on the streets of Orlando makes approximately $2,000 a week. Is that what you were making?

Mr. DOE. Yes.

Senator CHILES. All right.

Mr. DOE. Many Haitians are brought into the United States illegally for the sole purpose of dealing drugs and to recruit other Haitians for the drug business. These dealers are mixed with political refugees to hide their identity.

Senator CHILES. You are saying many Haitians are brought into the United States illegally for the sole purpose of dealing with drugs and to recruit other people, other Haitians to deal in the drug business. And you are also saying that those dealers are mixing with political refugees in an effort to hide their identity?

Mr. DOE. Yes.

Senator CHILES. All right.

Mr. DOE. Personally I know of no way to stop this problem, but speaking for all the honest Haitians in the United States, I would like to do whatever possible to put an end to the Haitian drug dealers.

Senator CHILES. You missed reading the paragraph above that. Would you read that for me? During the time that I have been in Florida, would you read that? You missed that one paragraph.

Mr. DOE. During the time that I have been in Florida, I have seen the number of Haitian drug dealers grow each day.

Senator CHILES. During the time that you have been in Florida, you have seen the number of Haitian drug dealers increase every day. All right.

And then you said personally you know of no way to stop the problem, but speaking for all of the honest Haitians in the United States, you would like to do whatever is possible to put an end to the Haitian drug dealers?

Mr. DOE. Yes.

Senator CHILES. Do you have any idea of how much drug money is carried back to Haiti?

Mr. DOE. I got no idea.

Senator CHILES. You have got no idea about that?

Mr. DOE. No.

Senator CHILES. Is it big money? Are we talking about thousands or are we talking about what could be millions of dollars?

Mr. DOE. It all depend how much money they make. How much money they make, I do not know.

Senator CHILES. It would depend on how much money they make. Where does the money go? Is there some organized system for receiving it or using it?

Mr. DOE. I really can't tell you about it.

Senator CHILES. You do not know about that?

Mr. DOE. I don't know.

Senator CHILES. Are potential dealers solicited in Haiti? Is there some way that they go try to find dealers in Haiti and how do they do that, how do they make that contact?

Mr. DOE. Well, if people get the money, they selling drug and they send the money to Haiti.

Senator CHILES. Yes. But how do they enlist someone else to be a drug dealer in Haiti? How do they go about doing that?

Mr. DOE. I don't know.

Senator CHILES. You do not know how that is done?

Mr. DOE. No, I don't know.

Senator CHILES. Do you have any idea about how many illegal Haitians are involved in drug dealing in the State of Florida?

Mr. DOE. Well, I guess 60 percent, but I don't know how many.

Senator CHILES. Those are the ones that you have actually come in contact with, that is all you know about?

Mr. DOE. Yes.

Senator CHILES. Do these people have weapons?

Mr. DOE. No. I don't know.

Senator CHILES. Were weapons confiscated in any of the Haitian crack operations? You know what I am talking about, guns?

Mr. DOE. I know what you're talking about. But I really don't know. But I just know they selling, they selling crack cocaine, and I can't tell you if they carry guns or stuff like a lot of things. I don't know about. I just know about the crack cocaine, all right.

Senator CHILES. You do not have any knowledge of weapons being smuggled from the United States to Haiti, going back to Haiti?

Mr. DOE. No, I don't know.

Senator CHILES. Lieutenant Smith, I wonder if you could come where I can ask you questions. Maybe you can stay right here on the end. Fine. Sit right there if you would.

Tell me how you recruited John Doe and how you have used him?

Lieutenant SMITH. Well, we recruited him from executing a search warrant at a crack house in Orlando where he was present. From that time, he has been working for us very successfully.

Senator CHILES. How long has that been?

Lieutenant SMITH. It has been about a year now.

To support his statement a little bit, there are a couple of the questions. On one particular crack house, we arrested an individual, and about a week later, he was stopped at the Orlando International Airport with $26,000 in cash on his way to Haiti. So that kind of proved to us that they were taking large amount of cash back to Haiti from the drug business.

Senator CHILES. What kind of weapons have you found among the Haitians that you have been in contact with?

Lieutenant SMITH. Initially, the Haitian drug dealers were not using a lot of weapons. But in the past six months or so, they have been robbed so many times by a lot of the local drug dealers, now they are starting to arm themselves.

One of the most popular weapons is a Tech 9 automatic, which is manufactured in Miami, for about $250. It carries a clip of 32 nine millimeter rounds that can be fired semi-automatic, and it seems to be a very popular weapon. They call it an "oozy." But it is really a Tech 9, semi-automatic.

Senator CHILES. All right. I have interrupted you a little bit. I know that you have a statement and I will let you just give me an oral summary of that if you want to, and then I will ask you a couple of questions.

Lieutenant SMITH. Thank you, Mr. Chiles.

I was talking to the Sheriffs a few minutes ago, and it was kind of unique. I did not know who was going to be here. They did not know I was going to be here. And, really, they could have written my statement for me because it is almost word for word everything that you have already heard.

Briefly, in Orlando, Florida, the number of illegal aliens who deal in crack cocaine has increased by more than 300 percent in the past 12 months. These illegal aliens are the main suppliers and dealers of crack throughout central Florida. This tremendous increase has caused the Orlando Police Department Drug Unit to place as its top priority the arrest and prosecution of Haitian drug dealers.

Our enforcement efforts have been severely restricted by the inability to detain these dealers for prosecution once arrested. Less than 5 percent of all illegal aliens arrested by the Orlando Police Department for narcotic violations have been successfully prosecuted. We, in local law enforcement——

Senator CHILES. Wait a minute. I want to stop you right there.

Lieutenant SMITH. All right.

Senator CHILES. Less than 5 percent of the people, the illegal Haitians that you have arrested have been prosecuted?

Lieutenant SMITH. That is correct, sir.

Senator CHILES. Why does that happen?

Lieutenant SMITH. Well, if you will look at this chart here, when they get to the bond, that is the last time we see them.

Senator CHILES. So you are talking about Box No. 2?

Lieutenant SMITH. Box No. 2, right below local law enforcement efforts. At the end of the line.

Senator CHILES. That is a little different from the monopoly set that says to go directly to jail. That says go directly out.

Lieutenant SMITH. The bond out after we arrest them, and they are up in Sheriff Polk's jurisdiction the next day dealing crack cocaine under a different name.

We in local law enforcement have the ability and resources to investigate Haitian drug dealers. However, once the arrest is made, the dealers bond out of jail and move to another area and continue to deal drugs. A prime example of this problem was demonstrated in a case investigated by the Orlando Police Department.

In September 1986, we arrested two Haitian males and one female, and seized over three and a half pounds of crack cocaine. Each of the defendants in this case was charged with trafficking in cocaine. Prior to trial, all three defendants bonded out of jail and have not been seen or heard from since. That was a $25,000 bond on each of those three individuals. They pay the bond like a fine.

Senator CHILES. It is just a little cost of doing business.

Lieutenant SMITH. Exactly.

Senator CHILES. In the kind of money they are dealing in, that is a very low cost of doing business.

Lieutenant SMITH. Well, this one particular deal was about $250,000 worth of crack. So a $25,000 fine was very minimal.

It is not uncommon to find Haitian drug dealers in possession of several pieces of identification in different names. At the execution of one search warrant in Orlando, we found a Haitian crack dealer possessing eight different Social Security cards in different names in his wallet, along with $10,000 in cash.

The Haitian drug traffickers are taking over the crack cocaine business in Orlando. Through intelligence sources, we have documented a formal network of drug trafficking by Haitian dealers as shown by the chart in front of you.

Senator CHILES. How about explaining that chart to me, if you would, please?

Lieutenant SMITH. Yes, sir. The cocaine from Colombia is transferred through Haiti, and then some is transferred into the Caribbean Islands and ultimately ends up in West Palm Beach and Fort Pierce. Those are the two main suppliers for all of Florida, and for even New York.

Senator CHILES. Now, tell me to start with, how have you put this together?

Lieutenant SMITH. We put this together by the numerous arrests we have made and through informants, and also through investigations that are underway at this time.

Senator CHILES. So you have used people like John Doe that is here, other informants and from arrests that you have made?

Lieutenant SMITH. And also arrestees.

Senator CHILES. Arrestees.

Lieutenant SMITH. Yes.

Senator CHILES. In your interrogation of those people.

Lieutenant SMITH. A lot of suppliers on this chart are under investigation right now. We do have names to go with each one of those boxes along the way.

Senator CHILES. So this is not something, a theory that you have come up with. You can give me the name of somebody that you got the information—or you have somebody that you have under arrest now that is supplying this information?

Lieutenant SMITH. Yes, sir. This is a documented fact.

Senator CHILES. And this has happened, a pattern, so this is not one instance. I mean you can show a pattern of where the cocaine comes from Colombia, comes through Haiti, and comes on down into West Palm Beach and through there?

Lieutenant SMITH. Time and time again. It is the same pattern. When the cocaine hydrochloride or the powdered form of cocaine gets into Fort Pierce, normally——

Senator CHILES. Let me ask you this. I will interrupt you.

Lieutenant SMITH. That is OK.

Senator CHILES. Where is it turned into crack?

Lieutenant SMITH. That is right where I am getting to right now, sir.

At that point, that is where most of the cocaine that comes to central Florida is converted, in Fort Pierce. We are having some cook houses show up in central Florida and other areas, but the majority of it is processed into crack in Fort Pierce and Palm Beach.

Senator CHILES. So, by the time they bring it up to Seminole County and to Orange County, to Sumter County, into central Florida, they have already converted it into crack in most instances?

Lieutenant SMITH. In most instances, that is correct.

Senator CHILES. And this goes back—do you identify this with the families that John Doe has said that these are the families that are controlling the operation there?

Lieutenant SMITH. Absolutely.

Senator CHILES. All right. What can you tell me about that?

Lieutenant SMITH. We have identified four major families and the names——

Senator CHILES. Now, when they say families, are these families generically or are they like the Mafia family, or are they actually——

Lieutenant SMITH. No, they are actually blood relatives.

Senator CHILES. Blood relatives?

Lieutenant SMITH. Yes, sir. And they are actually family members, cousins, uncles, aunts, grandfathers. There are four major families that we have identified in Fort Pierce that are the suppliers for Central Florida.

Now, once the cocaine is converted to crack, it is transferred to Orlando, Apopka, Florida, and there it is distributed on the street level. Most of the cocaine that is going to Seminole County, Lake County and Volusia County comes out of Apopka first.

Senator CHILES. Comes out of Apopka first. So they have got a network of the way it progresses and how they distribute it?

Lieutenant SMITH. That is correct, sir.

Senator CHILES. And they would be, in effect, like Lieutenants or of different hierarchy that are carrying this?

Lieutenant SMITH. That is correct.

Senator CHILES. Who is controlling the money in these families in the crack cocaine?

Lieutenant SMITH. The same people that are controlling the crack cocaine is also controlling the money. In this particular case in September, one of the individuals that we arrested there, his brother was stopped at the airport with the $26,000. So it is all tied together.

Senator CHILES. Who are basically are you seeing in Orlando? Are you seeing people that are high up in the family, or are they using their minions or someone else to do their work?

Lieutenant SMITH. We are seeing in Orlando the mid-level people. The major family members are in south Florida, West Palm Beach, and Fort Pierce.

Senator CHILES. Have we made arrests of the major family members or not?

Lieutenant SMITH. We have made arrests on a couple, but not the main people that we are looking at. They are under investigation at this point.

Senator CHILES. Nothing would preclude them from bonding out the same way if we do not get some change in the procedure?

Lieutenant SMITH. Not a thing.

Senator CHILES. What do you think needs to be done?

Lieutenant SMITH. I would like to see some way to detain these people for prosecution. Apparently, you know, it is obvious that the system that we have right now does not work. And the real problem is that when we arrest them, we do not even know who they are. We have no idea what their name is.

Senator CHILES. Are you trying to get in touch with INS and say we have got a John Doe suspect here, we think he is illegal?

Lieutenant SMITH. We do, you know, when we can get ahold of them. They are so understaffed in central Florida, the number of people that they have working, you know, seven or eight different counties, plus we make arrests at three in the morning, four in the morning. It is not always easy to get ahold of them at that time.

Senator CHILES. Now you fingerprint these people when you make an arrest?

Lieutenant SMITH. That is correct.

Senator CHILES. There is no place, no national index you can go to and get some return on these prints?

Lieutenant SMITH. I have the return from the FBI on the fingerprints of the three individuals on the three and a half pound deal that we did. And they have no record of them. But we did submit their fingerprints for identification to the FBI with negative results.

Senator CHILES. Now, if those three people got arrested again, would the FBI now have a record of the prints?

Lieutenant SMITH. We have their fingerprints on file and——

Senator CHILES. Is that put into some national index now?

Lieutenant SMITH. Yes, sir.

Senator CHILES. So it is?

Lieutenant SMITH. Yes, it is.

Senator CHILES. All right. So, as we arrest these people, we are putting that into the file so we will start making a record on them. Is everybody doing that do you know?

Lieutenant SMITH. They are put into the State of Florida files.

Senator CHILES. State of Florida.

Lieutenant SMITH. Yes, sir.

Senator CHILES. You check those automatically, the State files, as well as the FBI, when you——

Lieutenant SMITH. I am not sure exactly how we do——

Senator CHILES. Well, it seems like to me at some stage we have got to at least start building because we are seeing these people again and again. And even though we might not have them the first time, if we can show prints that this person was arrested under this name under Orlando or Apopka, Winter Park, that would help us as we go forward.

Especially, you know, we may not be able to get something that will stand up to allow us to hold them with no bond on first arrest even or something. It may have to be someone who has had multiple arrests under multiple identifications. So building that record I think could be very important for us to have.

Have you made other penetrations of some of these rings or networks in addition to John Doe that we have used here today?

Lieutenant SMITH. Yes, sir, we have. We have made—in the past 6 months, we have made probably 150 arrests of the illegal Haitians dealing crack cocaine in Orlando.

Senator CHILES. And you are trying then to get other informers or make other penetration then in addition?

Lieutenant SMITH. We are working with the Florida Department of Law Enforcement on this network at present.

Senator CHILES. Have you had any Federal help?

Let me ask you this. Have you noticed any change since we passed the new drug bill, has anything changed?

Lieutenant **SMITH**. On the street? No, sir.

Senator **CHILES**. Not on the street?

Lieutenant **SMITH**. Not a thing yet.

Senator **CHILES**. Well, anywhere notice have you noticed any change?

Lieutenant **SMITH**. No, sir.

Senator **CHILES**. You have not seen anything in regard to, at this stage, any better cooperation or any funding or anything else that has happened?

Have you heard anything about some money might be coming down sometime?

Lieutenant **SMITH**. Yes. We have seen the literature on the money, but as far as receiving any of the benefits, we have not as of yet.

Senator **CHILES**. Can you still use some help?

Lieutenant **SMITH**. Absolutely. We have had tremendous cooperation from the Florida Department of Law Enforcement, and also the other different agencies, local agencies.

Senator **CHILES**. Did you see anything about any stories or anything that the money might be cut in half?

Lieutenant **SMITH**. No, I did not.

Senator **CHILES**. Good. I hope it will not happen, but I am glad you did not see it.

All right. We thank you very much for your testimony and your continued cooperation, Lieutenant Smith. You all have done an excellent job in putting together this intelligence, and I know that has been helpful to all of Florida law enforcement again as well as the national scheme in putting this together.

And, Mr. Doe, we thank you for your appearance here today too. And if you will put your hood back on, we will let you leave.

Senator **CHILES**. Our next witness will be Mr. Jack Shaw, the Assistant Commissioner of Investigations, and Mr. John Simon, the Deputy Assistant Commissioner for Detention and Deportation with the Immigration and Naturalization Service.

Mr. Shaw, we will let you lead off, and we will take your statement in full for the record. If you could digest it for us, it would be helpful.

TESTIMONY OF JOHN F. SHAW, ASSISTANT COMMISSIONER FOR INVESTIGATIONS; AND JOHN SIMON, DEPUTY ASSISTANT COMMISSIONER FOR DETENTION AND DEPORTATION, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Mr. **SHAW**. Mr. Chairman and Members of the Committee, good afternoon. I am John F. Shaw, Assistant Commissioner for Investigations of the Immigration and Naturalization Service. I am pleased to have this opportunity to address the Committee today on a significantly growing problem of criminal aliens in the United States.

At this time I would like to summarize the prepared testimony [1] that I have submitted for the record.

Senator CHILES. Yes, sir.

Mr. SHAW. Mr. Chairman, the preceding witnesses have graphically described many aspects of the problem of illegal immigration and the disturbing incidents of serious crime by some proportion of that illegal population that plagues the Immigration Service.

In my testimony, I wish to iterate recent attempts by the Department of Justice working in close conjunction with the U.S. Immigration and Naturalization Service to turn this tide, offset the negative picture that was justifiably presented here, and assure you that significant steps either have already been set in motion or are under further consideration to address head on an admittedly serious problem of criminal aliens in the United States.

Let me cite a few examples of initiatives undertaken by the Immigration Service. First of all, the Congress of the United States passed immigration reform legislation on November 6, 1986, which also contains strong criminal alien provisions of law to focus on the existence of this population in the States and to allow the Immigration Service to undertake more expedited deportation provisions relative to this population.

Along with that legislation, were substantial budget authorizations, which the Department of Justice has complied with in its 1987 supplemental and a 1988 budget submissions, to cover the full panoply of provisions of the Immigration Reform Act.

These budget requests increase my program from 690 officers by almost 100 percent; from a small program of 1,022 positions, I would receive increases of more than 932 positions, which marks the beginning of the revitalization, or the rebuilding, of the interior enforcement arm of the Immigration Service.

To address the problem of criminal aliens alone, that 1988 budget represents an increase of 345 special agents and $15 million.

Moreover and working in conjunction with the National Crime Information Center/National Law Enforcement Telecommunications System (NCIC/NLETS) Telecommunications Advisory Board, INS has made initiatives to gain access for entering INS warrants of deportation, where there is an outstanding criminal charge, into that FBI-controlled data base, as well as providing access for the first time to INS officers to the NCIC/NLETS data base.

INS is one of the few criminal justice agencies in the United States—certainly one of the few in the Federal Government—not to have access to this data base in which all criminal justice or all local and state police agencies participate.

Senator CHILES. Prior to this, you did not have access to it?

Mr. SHAW. That is right, sir.

INS has also undertaken a criminal alien strategy—a copy of which I have in my hand—that was requested by the Senate Committee on Appropriations in July of 1986, relative to an FY 1986 supplemental request to address various deportation and detention inadequacies or limitations of the Service.

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[1] See p. 35.

This survey reflects our report to the Senate, to Senator Hatfield, which has received wide distribution on the Hill and which I will be glad to make available to yourself and to any of the law enforcement witnesses who have testified. This report indicates an extensive survey carried out by the service during 1986 to identify a population of 42,000 incarcerated criminal alien felons convicted and serving time in various state institutions—many of them not heretofore known or reported to INS.

In addition, that report documents in less definitive terms, an estimated population of 92,000 aliens—suspected illegal aliens or aliens who had had some minimal contacts with a State or local police agency, in addition to the 42,000 convicted aliens already incarcerated, against whom detainers and deportation actions might be taken.

With the substantial increases of personnel which we are now in the process of recruiting and hiring in support of immigration reform, we strongly expect to turn the tide against this recognized problem, which is part of the overall phenomenon of illegal immigration and the loss of control of our borders which the Congress has debated for the last 10 years and which has now resulted in comprehensive, very supportive legislation benefitting the Immigration and Naturalization Service.

I might mention, before I cite any other initiatives, that INS finds itself in the position today in the interior of the United States having 690 officers at any given time trying to respond to legitimate requests for assistance or calls for help from about 461,000 police officers in the United States, any one of whom at any given time could have a strange encounter with an illegal alien. Whether he is in momentary or temporary custody, whether he is under investigation, whether he is being sought for identification purposes, the Service does not have the capability, absent substantial increases in automation, to respond in good faith to those calls. At the present time, INS has 26 officers that cover the 900 miles of the State of Florida.

In addition, as of December of 1986, the Immigration Service has entered the Organized Crime Drug Enforcement Task Force family, as a full-fledged member. This month we are in the process of recruiting and designating 13 regional coordinators, one of whom will be in Miami, for the purpose of coordinating the conduct of investigations by INS agents joining these 13 regional task forces throughout the United States, effective as soon as the regional coordinators are in place.

Moreover, we have presently pending a legislative initiative to clarify the enforcement authorities of INS officers. Those authorities are not statutorily supported at this point. Even in testimony in emerging criminal group activities that you have mentioned and in drug-related cases where INS is giving testimony under oath, questions have been raised in the past.

It is important to clarify the designation of immigration officers as full-fledged law enforcement officers.

Other initiatives will enhance INS automation systems, to allow better tracking of criminal aliens through various state and criminal justice systems and through the sometimes extensive administration deportation hearing process, which you have described here.

Coordination and improved communication with Federal, State and local criminal justice agencies to identify choke points for identifying illegal aliens moving through these various state and local systems, as part of the Ackerman Amendment.

Under the provisions of the Anti-Drug Abuse Act of 1986, INS has instituted—has undertaken—the conduct of four pilot city efforts, one of which is in Miami, in order to work more closely with local and State criminal justice agencies to identify choke points in the system for the identification of aliens or the more useful exchange of information relative to the conviction of aliens and the availability of certified copies of those convictions for use in the deportation process. In other words, overall closer coordination.

Those cities are New York, Miami, Chicago, and Los Angeles; and they are being carried out within the anticipated FY 1987 budget supplemental.

There was a preliminary meeting with local law enforcement agencies in Miami on February 26; it included—and further meetings will include—the participation of the Executive Office of Immigration Review, district immigration officers, and state and local representatives to ensure computer enhancements, exchange of information, and improved communication between state and local criminal justice agencies.

Perhaps, as we have done in New York, the marshalling or the consolidation of alien populations in one or more prison facilities would facilitate INS being able to reach them for purposes of servicing detainers and expeditious removal.

INS contemplates legislative initiatives—either under consideration or awaiting further review—to tighten the administrative deportation system that you have described here; proposals to make it a felony with increased penalties added for reentry of aliens after deportation; to make it a felony for the failure of an alien to appear at or for absconding from the INS hearing process—a process today that he leaves with little likelihood or little prospect of any sanction except to be plugged back into the system, when and if he is located.

Finally, we are undertaking overall immigration reform measures to tighten border control; enhancements to the Border Patrol and inspection staff at ports of entry and to patrol the border between ports of entry—all these requests for appropriations and provisions are contained in the Immigration Reform legislation, including the enhancement of our interior enforcement capability that I have described in some detail.

And finally, we are substantially expanding INS' automation capability and improving document issuance and security procedures.

So I realize that there is frustration, Mr. Chairman, and I listen with great interest, as I listened to you in consultation with your assembled sheriffs and chiefs of police last July at the Department of Justice, when you first made an exposition on this subject from your perspective.

I think even within that short time frame, although the element of frustration is not going to be dissipated over night, immigration reform and the Drug Control Act of 1986, which passed only in October, have allowed the agency to begin to rebuild with additional resources and with the support of the Department and the Administration—its infrastructure—its enforcement infrastructure—to be more responsive to the problems that you have painstakingly laid out here.

Thank you, Mr. Chairman.

Senator CHILES. Mr. Shaw, as you know, you were there when we brought the sheriff's and law enforcement people up for the first meeting with Justice last year, and you heard the frustration that we had at that time.

Of course, you are right; a lot has happened since that time. I think, again, the fact that little has happened down on the street does cause a frustration.

My first reaction to your statement is optimistic. It sounds like INS is marching forward in trying to address the alien felon. However, that optimism is guarded by reality.

All the new systems you described would have to be implemented in today's environment. Given the fact that you have your hands full enforcing the new immigration reform— that there is this tremendous backlog of deportation of cases, and that there are not enough immigration judges to meet the demand—where are you going to get the capacity and the personnel to try to enforce these new systems that you are telling us about here?

Mr. SHAW. Well, the 1988 budget represents a 932 position increase for my program, which I have seen diminish over a 10-year period down to 690 officers. That is probably less officers than guard this capitol building on any given day. We are covering 50 States and territories of the United States at any given time.

The computer enhancements are under plan. In 1988, the proposed budget by the Immigration Service tops the $1 billion figure. In the 6-year tenure of Commissioner Nelson, the INS budget has more than doubled.

With immigration reform and the amounts authorized by the Congress supported by our own budget submission, I suggest, Mr. Chairman, that these are not pie in the sky figures; these planning efforts are underway.

I realize some of these are nonenforcement-related increases relative to supporting the Legalization Program or enforcement increases to support or carry out or implement a national employer sanctions program.

I assure you that the 1988 budget includes 345 immigration officers to focus specifically on criminal alien/narcotic offenders.

To highlight criminal aliens is a major priority of the service. If for whatever reason, due to diminished resources, that had slipped into a crack or not been emphasized up till now, I think we are in a position to substantially increase our capabilities.

The magnitude of the problem is great. I do not mean to suggest that we are going to change it overnight. I am saying that we are going to dramatically enhance or increase our focus on the problem, and are working with our Detention and Deportation Division, which Mr. Simon will be able to comment on.

We are anxiously trying to facilitate or work out agreements with the Department of Defense, based on the recent facility survey they have conducted at the direction of the Congress.

It is a three-pronged approach—enhanced manpower resources and money resources in the INS budget; improved facilities capability—to plug the vast holes that we recognize are in that system; and working out proposed regulatory and/or statutory changes which are going on today in these four cities.

We are starting to engender closer cooperation, because we are not only plagued with our own system being overcharged, but we sense, obviously, the frustration and the overcharge or the overload on the systems at the state and local level.

We are working on initiatives. But I do not believe it wise policy to waive punishment of illegal aliens who have committed serious crimes in its entirety or as a general measure, in order to facilitate their removal from the country.

In many cases, we can negotiate agreements, to ensure that we identify the alien criminal population, so that upon a determined prerelease date, we can immediately pick up that person; hold him for a minimal period of detention; facilitate his movement through the hearing process; and remove him.

Senator CHILES. In your formal statement, you say "that our laws are statutorily extending due process to the illegal aliens beyond constitutional requirement; and therefore, we invite abuse of the system."

Does INS have a list of the rights that you think are excessive or where we have extended beyond the due process provision?

Mr. SHAW. We could develop such a list, Mr. Chairman.

Senator CHILES. I would like to have that list.

Mr. SHAW. I think one has been generated in the past. Some of our legislative initiatives may be viewed either as Draconian by some Members of the Congress or as reversing, perhaps, established case law. But in fact, we have made some regulatory adjustments in the system, and we are in a position, through the normal review processes of the department, to propose some legislative changes to address what we consider to be weaknesses and/or "undue" process.

Senator CHILES. I would like to have that list of what you do consider to be the weaknesses and the areas of which you think improvement could be made.

Let me ask you: Do you think that a mandatory detainer policy or some kind of a no-bond policy for specific felonies by an illegal alien would be effective? This is what our law enforcement people are recommending.

Mr. SHAW. Well, Mr. Chairman, again, for 1988, my understanding is that Mr. Robey is going to increase the number of immigration judges by 50 or 52. That is a welcome influx; that clearly is a critical choke point in our system of administrative justice.

I am reluctant to give you an off-the-cuff assessment. I think there are legal constraints on a no-bond policy that are outside the purview of INS Bond conditions are set by judges, and they are usually based on evidence that the government can introduce or is estopped from introducing at that time, on short notice, before a bond determination is made.

Senator CHILES. Well, I am not saying that this would not take some change in the law. I suspect that perhaps it would.

Mr. SHAW. And then it raises, sir, the question of incarceration capability. While that is a plague to the states, it is also an expensive question of constraint to the Federal Government.

Mr. Simon will address some of the issues of expanding certain service processing facilities. But the fact remains because of the nature of the illegal alien problem that we have been dealing with over the last 15 years, the level of incarceration has increased as well as the length of incarceration.

Senator CHILES. But you have heard—and you have got to hear this from other places besides the testimony today—that we know that we have these offenders over and over. The system now works for them. If they get arrested, they simply post a bond; they are back on the street or they maybe go to another jurisdiction, another country or they may stay there.

You heard the sheriff say in Seminole County, he has arrested the same person three times within a week. So we have got this revolving-door process—it is working that way—we have got to break that up some way.

It seems like to me if you had something where maybe you have got to say, "This is a person that has been arrested more than once, that he has skipped one time." "We are going to hold that person until we can go ahead and convict him; and then we can decide whether we want him to serve or we are going to deport him."

You, I think, were one of the ones that told me, to start with, that you treat these people totally different if they come back into the country after they have had a conviction, that you trace them differently, that you try to do something different.

But these fellows never get into that kind of status because you never get a chance to try them.

Mr. Simon, what can you add to this?

Mr. SIMON. Thank you, Mr. Chairman.

I would just like to say that from a detention standpoint, which I know you are well aware of from the problems we have had in the past with the Krome Detention Center, that right now our current capacity——

Senator CHILES. I wish that was just a problem of the past. But unless you have decided to use it as a short-term detention facility, which we think you should be doing, maybe that is not a problem of the past.

Mr. SIMON. Well, let's hope——

Senator CHILES. Are you trying to tell me something really good today, Mr. Simon?

Mr. SIMON. Let's hope, like Mr. Shaw said, that the future will bring bigger and better things; I will put it that way.

One of the things that we have—we have a capacity right now—in our service facilities such as Krome, El Paso, and El Centro—our maximum capacity, even under emergent conditions is bed space for 4,000 aliens.

One of the things in the IRCA bill is that we have requested between our supplemental for 1987, fiscal year 1988 over $26 million in the detention and deportation part of our budget as well as $15 million for facilities for housing the criminal aliens.

As Mr. Shaw said, I think one of the biggest initiatives that I see from a detention standpoint is being able to get the hearings on the individuals while they are still incarcerated that we are working on with the Executive Office of Immigration Review.

I heard one of the sheriffs here say they were planning to make space available in the institution. This is the way that I think we can work together in solving the problem. We all know that under the current system—which your chart very well depicts—that it is a problem with the individual after he bails out. A lot of them abscond and whatever.

By having a final order on the individual while he is still incarcerated, where we have gone through the process, we are getting the final order of deportation—it eliminates a lot of the avenues for the long-term detention and for the administrative benefits that may be available to the individual.

That is why this project is so important in working with the States—the pilot project that Mr. Shaw spoke about.

I would like to also say that through the initiative of you and some of your colleagues, we were able to get the list from the Department of Defense which we have recently received. We are working with them on looking at the facilities that are in there for those that could possibly be used for the incarceration of criminal aliens and hopefully that——

Senator CHILES. We now have a list from the Department of Defense; right?

Mr. SIMON. Right. Yes, sir.

Senator CHILES. And we have a requirement that we put into law that they had to do that?

Mr. SIMON. Yes, sir.

Senator CHILES. We have that list. I do not know why it is classified. But we have got a list.

Mr. SIMON. We do have a list; yes, sir. We do have a list.

Senator CHILES. What are you doing with that list?

Mr. SIMON. There is approximately 50—I would say 50 or more facilities on there, which the Bureau of Prisons—our facilities people and the Bureau of Prisons people are looking at to make an assessment on which ones that are in the—that they have offered us—could be possibly used for the detention of criminal aliens.

We hope to have that completed sometime in the near future—that in addition to our other initiatives that we have taken hopefully would give us the opportunity to detain more aliens.

I will be the first to tell you that I do not think the available detention space should be the driving force on whether someone is convicted or prosecuted for a crime.

I had the pleasure last week of hearing the Appropriations Committee with Mr. Carlson, the Director of the Bureau of Prisons, who feels the same way. I feel like we have to ask for the money and the resources to get the space we need.

It should not be the other way around. Even though, like I say, you are well aware of—we have had the problems of having to move some of our aliens in the Bureau of Prison Facilities or other facilities because of the capacity has been reached at our facilities.

Hopefully, through the initiatives of the bill, that we can cut down on our man-days detention because we are not in the long-term detention business.

With the criminal aliens especially, if they have been convicted, it is very easy for us to get a final order if we can get them through the administrative process. If the judges are going to be available at the institutions—some of the institutions, then this should cut down on some of our detention problems.

Senator CHILES. Mr. Shaw, you mention a Deportable Alien Control System will assist INS in responding to inquiries from the local law enforcement.

Mr. Dempsey of Florida has recommended that local officers need better knowledge of immigration and naturalization law.

Are there plans within the Deportable Alien Control System to provide training or seminars on immigration for local law enforcement?

Mr. SHAW. Not at this time, Mr. Chairman. There are plans for certainly instructing every American citizen and the employer community on the implications of reform act legislation, with a strong focus on legalization and employer sanctions.

The reason I mention that is that the overall problem is illegal alien control. It is in this context that the criminal alien problem pops out.

Many illegal aliens do not involve themselves in crime. But clearly the debate and the argument has been how do we maintain a democratic system of fairly open borders at the same time that we want to exercise more stringent controls.

Senator CHILES. You are going beyond my question. I am just trying to say: Are we going to give some help to local law enforcement people in some seminars that know what the process is—what the law is, what goes on? I think it would be a tremendous help.

Mr. SHAW. I certainly can arrange that, Mr. Chairman. It should be done through our local district structure, and that structure will be reinforced shortly. It undoubtedly will take well into 1988 to identify, recruit and train these new resources.

Senator CHILES. Is there any thought within the service to link your computers with the National Crime Information Center system as Commissioner Dempsey was recommending?

Mr. SHAW. I have some reservations about that, Mr. Chairman, depending on the reliability of the INS data base for law enforcement purposes. We have a massive data base, and there are privacy problems for anyone accessing or searching through, as it were, our central system, what we call a master index system, within INS.

Senator CHILES. Well, we are not saying link your entire data base. But again we are trying to identify these criminals that are moving. And it certainly seems to me that it would make sense where you have some information on them to link that.

We have got to have something. When that police officer arrests that guy in Orlando or in Apopka, Florida, or anywhere else.

Mr. SHAW. Mr. Chairman, as the provision of the Ackerman amendment articulates, and I am sure that you are well familiar with it and probably supported it, or perhaps even participated in its introduction. The purpose of the four city pilot under the Ackerman amendment is to achieve just the results that you talked about. And that is to explore ways of working with local and State criminal justice agencies and specialists and experts in these four cities by October of this year, when we report to the Congress the results achieved through systems enhancements, exchange of information, improved telecommunications, or exchange of information in order to identify, determine whether or where the detainer should be placed, and ensure the expedited removal of criminal aliens in these various systems.

Senator CHILES. Well, I think something like that is just desperately needed out there, and the quicker we can get some kind of a locator system set up the better. Again, I think you heard my question, if there would be some way that when a local police agency makes an arrest, that they have got a system at least they can send those prints to, the alias that the person is using, or whatever his name seems to be at that time, and make sure that goes into some central file. And I am not sure where is the proper place, but there ought to be some place that upon the second arrest, prints are available to show that the fellow has picked up—that he is using an alias, and maybe that is the basis of us getting something done with the bond hearing, you know, showing that this fellow is setting a pattern. And at least we could stop it.

Mr. SHAW. Frankly, Mr. Chairman, again, we have worked the back axis of that. I am not happy to be pleading poverty or lack of undertaken initiatives. But, in fact, in California and in the Rocky Mountain States, we have piggybacked on State criminal justice information systems in order to make the appropriate identifications, and obtain the information, and track known illegal aliens through their systems.

We are now in the process of bringing our own system on line. I suspect, I believe, that after these pilot cities we will be in a better position to——

Senator CHILES. You say October in the pilot cities you are going to have some information?

Mr. SHAW. October is the——

Senator CHILES. Is Miami one of the pilots?

Mr. SHAW. Yes, Mr. Chairman.

Senator CHILES. Well, we are probably going to look forward to holding some kind of hearing down there around that time, and we would like to follow out how you are doing at that time.

Mr. SHAW. The law requires a report to Congress by October 1987.

Senator CHILES. All right. Well, we understand your situation financially. And I think, though, that if you will help us determine what we should be using as the locator system, how it should be done, and what resources would be needed, then we are here to assist not only in making any changes to insure that, but to try to help you get the resources necessary. I think it is just essential if we are going to stop this revolving policy that we have now that only works to the benefit of the illegal felon. And that is something that we have got to stop.

Well, I think we have done about what we can do at this hearing, and so we will recess now. I think we will be interested in trying to follow your pilot move, and we encourage you to go forward.

You have heard, in effect, the level of frustration is still out there with the people that are trying to handle this on the local level. And they are still hoping that some help is going to be coming forward. And I look forward to the time that help sort of gets in the field.

Thank you very much.

Mr. **Shaw**. We look forward to your continued support, Mr. Chairman.

Senator **Chiles**. Yes, sir. Thank you.

And so we will recess now.

[Whereupon, at 3:45 p.m., the Subcommittee adjourned, subject to the call of the Chair.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

UNITED STATES SENATE
Federal Spending, Budget and
Accounting Subcommittee
Lawton Chiles, Chairman

Prepared Statement of: Commissioner Robert R. Dempsey
Florida Department of Law Enforcement
Tallahassee, Florida

Mr. Chairman and Members of the Federal Spending, Budget and Accounting Subcommittee:

I would like to thank you for providing me the opportunity to address the issue of illegal alien felons, and the problems that the State of Florida's Criminal Justice Community has in dealing with them.

I am sure you are well aware that Florida has experienced a growing problem with illegal aliens who commit felonies. This problem is not easily resolved. First, law enforcement has a difficult task in identifying an illegal alien once they commit a crime and are apprehended. A typical case scenario is one in which an illegal alien is arrested for transporting illegal drugs, is taken to the local jail and booked, and bond is set. These illegal aliens frequently bond out immediately and are never seen or heard of again until they commit new crimes and are brought into the system again under a new name.

Another situation facing Florida's Criminal Justice Community is the release of these illegal aliens under a "Grant of Voluntary Departure" due to inadequate facilities to hold these aliens. This grant gives the alien up to 29 days (and is renewable) to depart the country. This allows the illegal alien felon to return to his criminal activity, usually with no intention of departing the United States. In such cases, it is impossible for INS personnel to insure that the subject has departed or to locate the alien.

Many police officers do not understand Immigration and Naturalization Service laws, methods of identifying illegal aliens, or how the INS can assist in identifying, deporting or detaining such aliens. There is no information link between state and local law enforcement agencies and the Immigration and Naturalization Service to identify these people once they are in our custody.

If an illegal alien felon is identified as an "illegal," there are inadequate federal facilities to house these criminals which results in placing the felons in our already overcrowded county and state facilities, not to mention the tremendous cost to state and local government.

Once the illegal alien felon is arrested, we face the dilemma of whether to seek deportation or incarceration. The problem with deportation is that frequently the illegal alien felon reenters the United States and is back on the street participating in additional criminal activity within weeks or even days after their deportation.

Additionally, the INS and Federal Courts are woefully understaffed and frequently are delayed in responding to the local and state agencies once the illegal alien felons are in custody.

After pointing out these problems, I would like to offer some recommendations and would urge the Federal Government to consider these recommendations to aid state and local governments, which have borne the brunt of this Federal problem.

I feel that INS should develop and provide seminars and/or training literature to law enforcement agencies to provide knowledge of INS laws, methods of identification of aliens, and how INS can assist in such instances. This would provide for a better understanding by law enforcement and facilitate the proper handling of illegal alien felons.

Another recommendation is that a study be conducted into the feasibility of linking the National Crime Information Center Computer System to the Immigration and Naturalization Service Computers in order to promote better communications between INS and other law enforcement agencies.

I strongly urge that the Federal Government increase the number of immigration administrative and enforcement personnel, in order to effectively control our alien felon problem. I also urge that the number of facilities to house these felons be increased. These measures would allow quick action on cases where aliens are accused of committing felonies and would allow immigration officials to give priority to illegal alien felon cases over all other immigration proceedings.

I applaud the immigration law which now directs the Attorney General to deport aliens convicted of drug offenses and other criminal activities when the alien is sentenced to at least a year. However, I share the concern that if the alien avoids incarceration prior to his being deported or is not detained in his own country after being deported that he may easily return to the United States and again be a frustration to our overburdened criminal justice system.

A resolution adopted by the Central Florida Law Enforcement Association requests that the United States Congress enact a bill requiring all foreign nationals entering the United States to place his or her thumb print and signature on the I-94 Form given to all aliens by the Immigration and Naturalization Service. The association suggests a bill that would permit INS to make a copy of the I-94 Form available to State Law Enforcement through the Florida Department of Law Enforcement and the Department of Highway Safety, Driver's Licenses Division, to allow for greater detection of false applications for driver's licenses by non-US citizens. I feel that the addition of a photograph on the I-94 would also assist in identifying these subjects.

I also feel that the initiation of mandatory detainers on aliens being held for certain felonies and/or a no bond policy for such aliens may prevent these aliens from "buying" their way out of detainment and returning to their criminal pursuits.

In order to curb the crime perpetrated against our citizens, we look forward to continued cooperation between Federal and Florida officials in order to remedy this problem of illegal alien felons. And in closing, I am encouraged that some relief may be forthcoming based upon the obvious concern of Senator Chiles and the other members of this committee. I appreciate your initiative by obtaining testimony from local and state law enforcement agencies regarding this problem.

Thank you.

Department of Justice
Immigration and Naturalization Service

Statement of the Commissioner

Before the Senate Committee on Governmental Affairs Subcommittee on Federal Spending, Budget and Accounting.
March 9, 1987

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to be here today to discuss the Service's commitment to incarcerating felonious aliens.

Under the provisions of the Anti-Drug Abuse Act of 1986 and the Immigration Reform and Control Act of 1986, primary emphasis is being placed on the expeditious removal of aliens convicted of crimes. However, Section 242(h) of the Immigration and Nationality Act provides, in pertinent part, that "an alien sentenced to imprisonment shall not be deported until such imprisonment has been terminated by the release of the alien from confinement." Further, Section 242(c) of the Act requires that upon arrest by INS and detention of an alien, custody conditions must be set, i.e., bond.

Section 241 of the Immigration and Nationality Act sets forth the statutory provisons under which an alien may be deported from the United States. Within the section are several grounds of deportability arising specifically from criminal acts committed in the United States. Included are crimes involving moral turpitude, prostitution, alien smuggling, illegal possession of an automatic weapon or sawed-off shotgun and narcotics offenses. Passage of the Anti-Drug Act of 1986 means we may now seek the deportation of those narcotics traffickers involved in synthetics and/or designer drugs. Previously, we had been precluded from doing this.

On December 15, 1986, the Commissioner of the Immigration Service directed the Regional Commissioners, District Directors, and Chief Patrol Agents to implement Phase I of the Alien Criminal Apprehension Program (ACAP) in all field offices. Further, the New York, Los Angeles, Chicago, and Miami District Offices were directed to immediately implement the ACAP teams. ACAP is an aggressive pilot project with one objective—to remove alien criminals from the street, from the community, and ultimately from the United States in as expeditious a manner as is possible, consistent with due process requirements.

The teams will consist of INS agents and, as necessary or desirable, officers or representatives of prosecutorial, correctional and probation or parole agencies. These teams will be tasked with seeking out and identifying alien offenders who are within the criminal justice system and processing them for deportation proceedings and removal. A three-phase strategy has been developed in response to the criminal alien problem. Each phase, while interrelated, is not interdependent. In this way, impediments encountered in the successful accomplishment of critical goals in any one phase will not have an adverse impact on the pursuit of goals in any other phase.

o Phase I will identify strategies to be accomplished within our present resource commitments, priorities, and program responsibilities.

o Phase II will increase our efforts through major tactical endeavors that have modest, absorbable costs and temporary manpower commitments. This phase will be utilized to identify "hot spots" where maximum benefits can be realized.

o Phase III will increase our costs and manpower committments significantly so that we can conduct multiple and/or simultaneous operations nationally.

In a joint effort with state and local officials and the Executive Office for Immigration Review (EOIR), INS will formulate a program to identify incarcerated criminal aliens, and arrange to conduct hearings in identified state and/or local facilities in order to expeditiously remove criminal aliens from the United States upon completion of imposed sentence. Final plans are underway for the implementation of this program in the states of California and New York. On February 26, 1987, INS and EOIR officials met with Florida state officials to discuss implementation of this program in Florida. INS and EOIR officials are still negotiating this matter and hope to reach an amiable agreement with the state of Florida. In the meantime, a program is being formulated by INS and EOIR to conduct expeditious hearings after these individuals are released to INS custody.

By statutorily extending due process to illegal aliens beyond constitutional requirements, we have invited abuse of our legal system. Postponements, continuances and the filing of oftentimes frivolous applications have become commonplace. It is not unusual for INS to execute an order of deportation on a criminal alien who has been in proceedings for six to eight years. At such point, the system loses all credibility to the public at large. The defendant has often been charged initially with simple technical violations, but through delaying tactics, enters into a sham marriage or engages in some other avenue of fraud in order to circumvent the Immigration and Nationality Act. In such instances, justice delayed becomes justice aborted. An alien should not be allowed to acquire equity for permanent resident status purposes once deportation proceedings have been initiated.

On December 23, 1986, Deputy Attorney General Arnold I. Burns agreed to an Implementation plan for the inclusion of the INS in the Organized Crime Drug Enforcement Task Force. INS will continue to advance our own Investigation Division case management system through participation in this task force while adding new dimensions to it; namely the utilization of additional criminal statutes within the United States Code such as alien smuggling, reentry after deportation, fraudulent identification and immigration fraud as well as the equally important initiation of administrative deportation proceedings.

Information relating to criminal aliens, as well as other aliens in deportation proceedings, is presently available at selected locations through the Deportable Alien Control System (DACS). Plans are under way to expand and enhance this system which will aid INS in readily responding to inquiries from state/local law enforcement agencies concerning illegal aliens arrested for drug and felony violations.

The apprehension of 1.8 million illegal aliens in FY 1986 is substantive evidence of the immigration dilemma facing the United States. The recently enacted Immigration Reform and Control Act should help INS to address this crisis, by providing a sufficient number of immigration judges to conduct deportation proceedings in a timely manner and reduce present backlogs.

The construction of an additional wing at the Oakdale, Louisiana Detention Facility to house 300 Mariel Cuban criminal aliens has been completed and occupancy will begin in March 1987. Furthermore, fifteen million dollars has been requested in the Immigration Reform and Control Act for construction of detention facilities to accommodate increased Border Patrol apprehensions, and in support of increased emphasis on criminal alien apprehension and removal. Presently, INS is conducting a study to identify the most viable sites for development of additional detention facilities.

Also, the Department of Defense (DOD) has compiled a list of current DOD detention facilities and facilities that could be converted for use in detaining illegal alien felons, drug traffickers, and excludable or deportable aliens. Their report has been submitted to the Department of Justice and is being evaluated by the Bureau of Prisons and INS.

I am confident that through these measures we will begin to meet the challenge of felonious aliens and their necessary detention.

MEMORANDUM

Enclosure 7

TO: Captain Ann Vendrell
3 x 11 Bureau Supervisor

DATE: 2 October 1986

SUBJECT: INCARCERATED ALIENS

FROM: Cpl. Armando Quinoa #952
Administrative Corporal
Pre-Trial Detention Center

This information responds to your request of September 26, 1986, in which you asked to obtain statistics concerning incarcerated aliens at our facilities. The below responds refer to the questions highlighted in blue.

1. NUMBER OF BOOKING LOCATIONS: 4
   Dade County Jail, Women Detention Center, North Dade Detention Center, Jackson Memorial Hospital Ward D.

2. NUMBER OF ALIEN OR FOREIGN BORN IN CITY AND/OR COUNTY JAILS vs. THE TOTAL POPULATION OF THESE: 1,083 vs 1980 Census 1,240,036 Aliens.

10/11/86 3274

Incarcerated alien breakdown	
Cubans	897
Haitians	3603
Mexicans	5
OTHERS: (Colombians, Nicaraguans, Dominicans, Salvadorans)	118
Puerto Ricans	N/A

1980 Dade County Census	
Cubans	407,253
Haitians (1985)	70,000
Mexicans	13,238
Others: (Colombians, Nicaraguans, Dominicans, Salvadorans)	115,847
Puerto Ricans	44,656

* Breakdown of arrested aliens was compiled by researching Jail records of all Corrections & Rehabilitation facilities.
** 1980 Dade County Census information was provided from Dade County planning bureau, Mr. Gutterman.

6. WHAT ARE THE PROBLEMS AND POSSIBLE SOLUTIONS AS YOU SEE THEM IN DEALING WITH AND CONTROLLING CRIMINAL ALIENS?
   It is recommended that a coordinated tracking system spearheaded by Immigration and Naturalization Service's be started with cooperation of our department, Metro Dade Police Department, and other civilian organization working directly with aliens.
   Once INS positively identified the alien, an identification number should be given that will become part of Metro Dade Police Files.
   Those not in our control should be the sole responsibility of INS.

Copy of report submitted to Mr. Donald Willey, Metro Dade Police Department, police planner. 1390 N.W. 14 Avenue, Miami, Phone No. 547-7185.

This report is submitted for evaluation and distribution.

Cpl. Armando Quinoa #3158

Enclosure 8

STATE ATTORNEY
METROPOLITAN JUSTICE BUILDING
MIAMI, FLORIDA 33125

JANET RENO
STATE ATTORNEY

TELEPHONE (305) 547-5200

November 19, 1986

Donald L. Willey
Police Planner
Metro-Dade Police Department
1320 N.W. 14th Street
Miami, Florida 33125

Dear Mr. Willey:

I am writing this letter pursuant to our conversation of November 18, 1986, concerning criminal aliens and entrants. I am specifically addressing the second and third areas of information which you requested.

As reflected in the Dade County Grand Jury report of the Fall term of 1981 (copy attached), there is no acceptable means of determining alien (legal or illegal), or entrant, status upon arrest. Most aliens and entrants pass through the justice system undetected. See pages 16 and 17 of the report. Therefore, estimating the scope of the criminal alien and entrant problem within Dade County with any accuracy is an impossible task. Outside of the possibility that many of the entrant and aliens who were in the criminal justice system in 1981 are presently incarcerated, we have no reason to believe that the problem has lessened since 1981. I cannot, however, make that statement with any degree of certainty.

Due to INS problems in monitoring the alien and entrant population, it is difficult for us to identify those defendants who fit this classification and determine which would receive case handling other than normal case processing. When an alien or entrant is identified, we will usually prosecute the case and then attempt to gain the cooperation of INS in taking custody of the defendant and deporting him, when possible, as an excludable. If the offense is one which is of a serious nature, involving injury or the threat of injury to the victim, we will usually seek incarceration as a result of our prosecution.

If I can provide any further information, please feel free to contact me at 547-7772.

Sincerely,

JANET RENO
State Attorney

By: SHAY BILCHIK
Chief Assistant State Attorney
for Administration

SB:js

IMMIGRATION AND NARCOTIC INTERDICTION

I. INTRODUCTION: PARADISE LOST?

By the late nineteen seventies we who live in Dade County had seen indications, many of them ominous, that the nature of our community had changed. By the summer of 1979 we had learned that three quarters of the cocaine and marijuana entering this country did so by way of South Florida. We learned that the rate of violent crime in Dade County nearly doubled between 1975 and 1979. New terms, such as "Cocaine Cowboys" became part of our vocabulary. And in July of 1979 these abstract statistics and trends sprung vividly to life one afternoon in a most graphic, and symbolic, manner: a drug war assassination occurred in mid-afternoon in a crowded neighborhood shopping center. Miraculously no bystander was seriously injured as the shopping crowd stood frozen or sought cover from the hail of bullets generated by an arsenal of automatic weapons. But we were all bystanders that afternoon and all of us saw our worst fears play out before our eyes.

And then, in the spring of 1980, coinciding with our experiencing the first large scale urban disorder in a decade, we witnessed a new and unexpected event: photos of boatloads of Cubans, and of Haitians, entering South Florida adorned our daily newspapers. The Haitians were pictured packed in small overcrowded vessels, wearing tattered clothing and impenetrable expressions. Who were these people and why were they coming here?

The Cubans, over one hundred thousand of them, arrived in what we first termed a Freedom Flotilla, a positive name for what appeared to be a positive event: the liberation of victims of Castro's oppression coming to reunite with their families here. But we then learned that the stream of immigrants was tainted, perhaps poisoned, by an infusion of prisoners and mental patients from Castro's jails and psychiatric hospitals. The term Freedom Flotilla quickly disappeared and we learned to use a more guarded, more neutral, term: The Mariel Boatlift.

By the end of 1980 our worst fears regarding the nature of those who had come in the Boatlift appeared to be close to confirmation. A study revealed that Dade County's homicide rate had increased by nearly one hundred percent in 1980 as compared to 1978. Moreover, the homicide rate in which victims were Latin had, in 1980, increased by three hundred percent over what it had been six years earlier. The study, conducted at Florida International University, attributed the phenomenon, in large measure, to the Mariel influx and to "the increase in drug traffic and tendency of those involved to kill each other." Again, the Cocaine Cowboys, the Colombia drug dealers. They now began to merge in our minds with the Mariels as sources of our problems.

And then, as if we hadn't seen and heard enough that was both confusing and distasteful, the Haitians impenetrable expressions appeared once again in our morning papers: this time their faces stared at us not from decrepid fishing boats off Key Biscayne, but from behind barbed wire topped fences at a detention camp on Krome Avenue on the edge of the Everglades. On the one hand critics of the federal government's new detention policy called Krome a concentration camp and the policy an inhumane departure from our historic open-arms attitude toward refugees. The federal government told us, however, that the Haitians were here illegally and that their detention was only for as long as it took to hold immigration hearings. The Haitians' lawyers, the government contended, were at fault for prolonging the process and the detentions. And those issues, again, were complex and confusing.

Finally, by the fall of 1981, our problems and our issues became national news. The media compared our drug wars to Chicago during Prohibition. We saw ourselves on the cover of Time Magazine in a collage of snapshots: a homicide victim, a cocaine sniffer and a citizen arming himself for his own protection. The New York Times referred to us as Ellis Island South and, in another article, reported that the Drug Enforcement Administration had estimated that the narcotic traffic generated "$7 billion to $12 billion a year in South Florida, or roughly the same amount as tourism... foreign money continued to cascade into the area in legal as well as illegal channels, fueling a commercial building boom in downtown Miami." Another new word - "Narcobucks" - entered our expanding vocabulary. Had the drug traffic replaced tourism not only as our national image but also as the cornerstone of our economy?

When this Grand Jury convened, in mid-November of last year, these many questions and issues were very much on our minds, as they were and are on the minds of all of us who make South Florida our home. We decided to try to explore these issues during our six month term, fully realizing that we are powerless to solve such a broad range of problems, if indeed there are any solutions. What we set out to do was to gather as much information as we could so as to better understand these complex and emotional questions. Perhaps, we felt, in some small way we could separate myth from reality and perhaps we could shed some light in some areas. Perhaps we could do that for ourselves, and for the citizens of this community whom we represent as a Grand Jury.

At our weekly sessions we have heard testimony from a wide range of government officials and from a variety of experts. We are grateful to all of those who appeared before us and, at the end of this Report, we will acknowledge their contributions.

The issues and areas we sought to address were (1) issues relating to immigration and refugees generally and to the Mariel and Haitian influx specifically, (2) issues relating to the impact of the refugees upon our community's resources and institutions, (3) issues relating to narcotics and narcotic interdiction in South Florida, and (4) issues relating to violent crime and the proliferation of handguns in our community. The next four sections of our Report will summarize what we have learned in each of those four areas. Finally, in the last section of our Report, we will present our Findings and our Recommendations. Our comments relating to handguns will be presented in a separate section.

II. IMMIGRATION ISSUES: FROM MARIEL TO KROME

A. Immigration in Perspective.

> The drama of the most recent wave of Cubans who flooded the shores of South Florida, as the Freedom Flotilla journeyed from Mariel Harbor to the Truman Annex at Key West, Florida, has probably done more than anything else to force questions as to the policies of both State and Federal governments with regards to immigration to the United States.[1]

This Report will present a record of failure on the part of the federal government to meet its responsibility of addressing the crisis that confronted our community during and after the unprecedented influx of Cubans and Haitians during the spring and summer of 1980. It will also present a record of the federal failure to stem the flow of illegal aliens into our community and the failure to identify and deport them once they have come. What we will present, in short, is a case history of the effects upon a locality of a federal failure to define and to enforce a coherent immigration policy.

And we have learned that the lessons to be learned from these federal failures are not merely local in nature. The problems that we have experienced have national implications and immigration issues are national in scope. The United States is a nation of immigrants, and we look with pride at the diversity and the invigoration that immigrants have always provided. We are by far the world's largest receiver of immigrants and refugees and in fact we accept on the order of twice as many as the rest of the world combined. Immigration and refugee flows during the last five years have been at or near the highest levels ever experienced, including the period before immigration was first broadly restricted in the 1920's. The 1980 census reveals that, for the first time since 1920, the percentage of our population born in other nations increased after five decades of decline. We can expect this increase to continue.

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[1] Clyde McCoy and Diana Gonzalez, "More on Cuban Immigration," Humanist Sociology, Vol. 5, No.4 (1980).

Central and South American nations are the source of most of our immigrants, and of most of our illegal aliens, both locally and nationally. These nations can expect population growth ranging from a third to ninety percent over the next twenty years. Examples of projected 20-year population increases are 89 percent for Mexico, 58 percent for both Colombia and the Dominican Republic and one-third for Jamaica and Cuba.

Dr. Jan Luytjes, of Florida International University, made several important observations in his testimony before us. He pointed out that when the resources of a specific region are not sufficient to sustain its population, that population will migrate to another area and that in the Caribbean Basin there is going to be greater movement of people in the future than there has been in the past. We are just beginning to feel the effects of rising birth rates in Haiti and Central America and the exodus of peoples for economic reasons will continue to increase over the next two to three decades.

Yet the United States Immigration and Naturalization Service is not equipped to deal with our problems today, let alone those we can anticipate in the future. There are, in addition to the estimated 150,000 Cubans and Haitian Entrants who arrived in 1980, an estimated 175,000 illegal aliens in South Florida. We have learned that the Immigration and Naturalization Service (INS), whose responsibility it is to detect and to deport illegal aliens has, in Dade County, a mere nineteen investigators for this purpose, which is a reduction from thirty-seven investigators assigned in 1979.

Yet we have found that, while we in South Florida are feeling the effects of INS' laxity most acutely, the problem is not a local one. In recent years the priority accorded INS at the national level has declined dramatically and the federal government has failed to adequately staff and fund INS efforts throughout the nation.

We have learned, for example, that of the more than eight million people entering the United States legally on visas in 1977, the archaic INS administrative system was unable to account for the departure of fifteen percent, or over 1,200,000 people. And we have learned that INS does not have the resources to verify whether or not visitors overstay their visas. And once we learn that INS cannot oversee legal immigration, it is little wonder that illegal immigration is beyond its control.

This too is a national problem - the INS Border Patrol nationally, for example, is smaller than the Baltimore police department.

III. THE IMMIGRANTS: IMPACT UPON DADE COUNTY.

A. Background

Unlike the two earlier waves of Cuban refugees, the first of which arrived in the early 1960's, and the second of which arrived before the 1975 recession, the Mariel Boatlift occurred during less opportune economic conditions and a national mood of fiscal restraint on the part of the government.

This, perhaps coupled with the media image of the arriving refugees, led the Carter Administration to decide not to grant the Mariels the generous benefits of refugee status which would have led, for example, to one hundred percent Federal reimbursement of refugee assistance costs. Instead, the Administration announced that the newcomers, including the approximately 18,000 Haitians who were arriving at that time, would be treated as applicants for asylum and that special legislation would be sought to resolve both the Cuban and Haitian legal status issue.

The federal creation of the "Entrant" classification meant that the federal government would not assume any responsibility for financial refugee assistance and the result was that, until early 1981, the entire burden of providing relief and services to the refugees fell upon the County and State. The Fascell-Stone Amendment provided some federal financial assistance from 1981 to the present, but now we learn that this partial assistance is to be cut off at the end of May and at that point the burden will once again fall upon the County and State. We find this to be totally unacceptable.

And coupled with the federal government's failure to assume economic responsibility, we have learned that the federal authorities mishandled the Mariel immigrants in a manner which placed the burden, once again, almost totally upon Dade County.

For the first two weeks of the Boatlift the federal authorities were completely absent and Dade County employees and volunteers processed the new arrivals. When the federal authorities did become involved, we have learned, their involvement was slipshod. INS did an extremely poor job of documenting the new arrivals. And the federal resettlement effort failed to achieve the objective of spreading the refugees out nationally:. the Carter Administration appears to us to have had no plan for admission, processing or for resettlement.

The federal resettlement effort failed for a lack of commitment and a lack of effective execution. The result is a trail of broken sponsorships and a "secondary migration" of Mariel refugees from other areas of the country and from the closed camps. These secondary migrants continue to trickle into South Florida, where the number of Mariel migrants continue to grow daily.

B. Health, Educational and Social Service Costs to Dade County

We have already discussed the failure of the federal government to provide adequate assistance to refugees and the impending cutoff of all direct assistance on June 1. In this section we will summarize the impact upon our local resources of this federal failure.

The arrival in 1980 of more than 150,000 refugees is comparable to our absorbing the population of the entire city of Tallahassee: in addition to the need for direct financial aid for such a mass of arrivals until such time as they become self-sustaining, Dade's existing resources were called upon to provide services to these new arrivals. Our public health, educational, social service and criminal justice systems, to name a few such resources, were called upon to accommodate a sudden increment in our population of nearly seven percent.

It is extremely difficult to measure the total cost of this impact upon our local resources. How, for example, do we attach a dollar figure to the increased police protection, or increased garbage collection, that must be available to 150,000 people. Those estimates that have been ventured, however, of documentable costs estimate that Dade County has incurred 130 million dollars in costs that have not been reimbursed by the federal government.

The total inadequacy of the federal response is perhaps best illustrated by an example that was related to us. While Jackson Memorial Hospital does receive some federal reimbursement for aliens who are registered with INS, there is no such reimbursement for an undocumented (and therefore illegal) alien who is treated at public expense at the hospital. Hospital administrators advise us that when they discover that they are treating an illegal alien they would initially notify INS so that an INS representative would come to the hospital to document the alien. They would do so, obviously, so as to obtain federal reimbursement for the medical treatment, but this notification would have the further effect of placing INS in a position to initiate deportation proceedings, if warranted. INS' response, however, was that it did not have sufficient resources to send investigators to Jackson Memorial Hospital to do this: the result has been that local taxpayers have had to bear the cost of the treatment of illegal aliens and that, once treated, these illegal aliens have been free to go about their business without INS intervention. We will see another example of this INS policy of benign neglect toward illegal aliens when we look at the impact of illegal aliens upon our criminal justice system.

Jackson Memorial Hospital administrators state that they have expended twenty-one million dollars in medical services to entrants and aliens. The federal government has reimbursed fourteen million, meaning that local taxpayers have had to bear the cost of the remaining seven million dollars.

Another area in which Dade taxpayers have been shortchanged by the federal government is the school system. In 1980 our school system was suddenly asked to absorb 19,000 newly arrived non-English speaking children (as well, eventually, as 25,000 adults who enrolled in the adult programs). School administrators estimate that this process cost a total of 32 million dollars. The federal government has reimbursed Dade for twelve million of those dollars, leaving a net deficit of twenty million dollars to be absorbed by State and local taxpayers.

We are proud to point out in this context that the public school system provides us with another example of how well our local institutions have managed, in the face of federal inertia, to absorb the waves of immigrants: our school system absorbed these 19,000 students virtually without any disruption which is, we feel, a monumental achievement that should receive appropriate praise. Another bright note is that the Mariel and Haitian children are assimilating well into our school system. The Mariel children, we are told, came with academic levels that were higher than anticipated. The Haitians children, however, came to us from a virtually non-existent educational system in Haiti.

C. Immigrants and the Criminal Justice System

Any discussion of the burden placed upon local facilities by the combined impact of refugees and illegal aliens inevitably includes the criminal justice system as a focal point. Clearly our recent immigrations have caused an increase in crime and added a sizeable load to an already overcrowded criminal justice system. And just as clearly, this in turn translates into increased costs to be passed on to the community's taxpayers.

In later sections of this Report we will return to the issues of crime and refugees and aliens. In this section we will present our findings with respect to the post-1980 state of the criminal justice system itself. In order to reach these findings we undertook an Impact Study which included five separate phases:

(1) A study of all felony arrests during a four week period beginning March 11, 1982. This phase included a study of approximately 2500 defendants;

(2) A similar study of the 2200 defendants incarcerated in the Dade County Jail and correctional system facilities on March 14, 1982;

(3) A study of a random sample of 1500 Mariel refugees so as to attempt to address the question of what percentages of all Mariel refugees have been arrested for crimes in Dade County;

(4) The in-depth interview of at least 400 Mariel refugees using a modified version of a questionnaire developed for Dade County in late 1980; and

(5) An assessment of the impact of illegal aliens upon the criminal justice system and the efficiency of the U. S. Immigration and Naturalization Service (INS) in identifying illegal aliens who have been arrested for felonies.

The full results of that Study will be presented separately in a Report to be issued by the State Attorney's Office. In this section we will present what we deem to be the most significant findings derived from the Study, which are:

(1) Felony arrests attributable to Mariel refugees and other, mostly illegal, aliens have contributed greatly to an increase in the criminal justice caseload of about twenty-five percent as compared to pre-1980;

(2) The crime increase generally attributed to Mariel refugees has been somewhat overestimated while the crime increase attributable to other, mostly illegal, aliens has been considerably underestimated;

(3) The overwhelming majority of Mariel refugees in our community have had no contact with our criminal justice system, but

(4) Of those Mariel refugees who have been arrested, a very violent and dangerous minority are identifiable;

(5) INS has no policy or procedure for either identifying or assuming responsibility for this discernable minority of dangerous Mariel entrants;

(6) INS has no policy or procedure for either identifying or assuming responsibility for the apparently large numbers of illegal aliens who are being arrested for felonies and they are passing through our justice system virtually undetected, and

(7) Likewise, there is no means of identifying the legal aliens who are being arrested and they are therefore immune to INS action relating to their immigration status;

(8) The cost to the local and state taxpayers of the processing of cases involving entrants and aliens is nothing less than staggering;

(9) Mariel entrants, collectively, are making a very real and laudable attempt to assimilate themselves into this community, yet

(10) Many entrants remain unassimilated exhibit the need for a diversity of social services which must be provided if they are to remain undetained among us. The costs of these needed and necessary services is, and will increasingly become, very substantial and federal support is both warranted and necessary.

At this point we will comment upon each of the ten findings which emerge from our study:

(1) Felony arrests attributable to Mariel refugees and other, probably illegal, aliens have contributed greatly to an increase in the criminal justice caseload of about twenty-five percent as compared to pre-1980.

Prior to 1980 Latins and Caribbeans, referring to persons whose culture and ethnicity is Caribbean or Central or South American (which includes Blacks from all such cultures, including Black nations such as Jamaica and Haiti) constituted about twelve percent of all felony arrests. Today Latin-Caribbeans constitute 38% of all arrests and the group has moved to first in percentages of felony arrests, with American Blacks accounting for 35% and non-Latin Whites 27%.

Our analysis of the Latin-Caribbean felony arrests reveals the following breakdown:

Total Latin/Caribbean:	100%
Mariels:	44%
Pre-Mariel Cuban:	22%
Other Latin/Caribbean:	34%

As percentages of the total felony arrest population the three categories represent the following:

Total Latin/Caribbean:	38%
Mariels:	16%
Pre-Mariel Cuban:	9%
Other Latin/Caribbean:	13%

What is evident is that the combination of Mariels and Other-Latin-Caribbean constitute about 29% of our felony arrest population.

(2) The crime increase—generally attributed to Mariel refugees has been somewhat overestimated while the crime increase attributable to other, probably illegal, aliens has been considerably underestimated.

The prevailing estimates of the crime rate increase attributable to Mariels has been in the range of 20%. The actual figure, 16%, is considerably below that. Yet, at the same time, the "other" category of Latin-Caribbean is surprisingly large, and indeed almost as large as the Mariel group. What we conclude from this is that while the Mariel phenomenon is clearly of great significance to our criminal justice system, it may have obscured the more significant, and more permanent, trent in our justice system and in our community and its institutions, this being a trend of internationalization.

To make this discovery in a study of criminal justice felony arrests in no way should be interpreted as that increased internationalization is negative: a similar study of college enrollments, or driver license records, of private hospital admissions, or of any other index of population growth or population change, would unquestionably show the same trend.

(3) The overwhelming majority of Mariel refugees in our community have had no contact with our criminal justice system.

While it is clear that Mariel refugee crime has had a major impact upon Dade County's criminal justice institutions, it should be equally clear that this crime data should not be presented without simultaneous information relating to what percentage of all Mariel refugees are responsible for the commission of these crimes. To condemn an entire community, now representing an estimated 7% of our population, for the acts of a minority who were transported here from Cuban jails and criminal lifestyles, would be irresponsible.

The Cuban population of Miami has historically and consistently had a lower crime rate than either their Black or non-Latin White counterparts.

The present population percentages of Dade County, as compared to the current arrest percentages, breakdown is as follows:

Ethnic Group	% of Dade Population	% of Arrest Population
Anglo	44%	27%
Pre-Mariel Cuban	32%	9%
Mariel	7%	16%
Black	17%	35%
Latin/Caribbean	Unknown	13%

In order to address the question of what percentages of Mariel refugees have accounted for that group's criminal activity, a sample of 1563 Mariel refugees residing in Miami has been identified by the Drivers Licenses Record Office and the percentage of these individuals who have been arrested since arriving in Miami has been determined. The results are as follows:

	No. (%)
Total Mariels Studied:	1563 (100%)
Mariels Never Arrested:	1419 (90.8%)
Mariels Arrested:	143 (9.2%)
Felony Arrest	79 (5.1%)
Misdemeanor Arrest	64 (4.1%)

We do not see any threat to this community by a collective group of which only one in twenty has been arrested for a felony.

(4) Of these Mariel refugees who have been arrested, a small but very violent and dangerous minority are discernable.

However we must qualify our last observation by adding this one. It is common knowledge now that the Cuban government purposefully emptied many of its jails and mental institutions into the stream of immigrants departing Mariel. That act abruptly altered the boatlift's image and the taint, unfortunately, still afflicts that majority of the refugees who came to flee communist oppression and economic deprivation.

We as a community need to learn to distinguish that majority from that minority before the assimilation process of the Mariels can really be completed.

To make this distinction it will be necessary to identify those violent criminals among the Mariels immigrants: while Mariels constitute less than half of all Latin felony arrests, they constitute nearly three quarters of all Latins ordered incarcerated in the Dade County jail system. Of this group 60% have called attention to themselves by having a prior arrest record in less than two years in this community. And another 60% have committed crimes against the person.

(5) INS has no policy or procedure for either identifying or assuming responsibility for this discernable minority of dangerous Mariel entrants.

Traditionally, immigrants or aliens have been treated differently than citizens when they have been identified as dangerous criminals. That is no longer the case in Dade County. A Mariel charged with the commission of a crime is treated in the same manner as a citizen which means pretrial release or detention, court hearings and, when convicted, probation or incarceration, all at local or state expense. The cost to Dade taxpayers of Mariel and Latin-Caribbean detainees in the Dade Department of Corrections is, for example, over six million dollars per year.

Traditionally, INS would place immigration holds on such non-citizens and deportation proceedings would begin. This is no longer the case. There are virtually no deportation hearings and INS, granted its inability of finding a way to deport dangerous Mariels, has managed to elude responsibility for utilizing federal personnel and federal dollars to deal with the dangerous Mariel criminals that we have identified.

(6) INS has no policy or procedure for either identifying or assuming responsibility for the apparently large numbers of illegal aliens who are being arrested for felonies and they are passing through our justice system virtually undetected.

The same shortcomings with respect to INS is true in the case of non-Mariel illegal aliens.

As part of our study, a list of 71 aliens arrested for felonies or in jail was submitted to INS with a request that they advise us of the immigration status of these individuals. INS advises that they were able to locate files for "about 25%" of the defendants and that most of the remaining 75% are probably here illegally. Not one single "immigration hold" had been placed on one single defendant. INS had not initiated any action in any one of the 71 cases. Each one of the 71 defendants, some legal aliens but mostly illegal, remains among us undetected by INS and being processed in the same manner as U.S. citizens.

With respect to INS we lay the blame at the national, not the local, level. We have learned that the local INS office is incredibly understaffed. The investigative unit, charged with the responsibility of identifying and deporting illegal aliens has a staff of only nineteen investigators. This is a decrease from a staff of thirty-seven in 1979. With so small a staff it is impossible for the local INS investigative unit to aggressively seek out illegal aliens. The federal government has given INS low priority and has failed to fund the agency adequately. The result is the totally inadequate staffing of agency efforts throughout the nation.

And once again, state and local taxpayers are the victims: every day sees additional illegal aliens pass through our criminal justice system undetected when they should be deported. Ironically, many of them are put on probation (at our expense) which results in an inducement to remain in Dade County during the probation term.

If illegal aliens were identified and deported at the time of their arrest, as they should be, the savings to our criminal justice system, in terms of money and of manpower, would be enormous.

(7) Likewise, there is no means of identifying the legal aliens who are being arrested and they are therefore immune to INS action relating to their immigration status.

Since INS has abdicated its responsibility in the criminal justice system it follows that legal aliens, illegal aliens, entrants and U.S. citizens are all treated identically. The policy is one of benign neglect. Those affected by this policy are Dade's taxpayers.

(8) The cost to the local and state taxpayers of the processing of these cases is nothing less than staggering.

We have estimated the annual costs to the Dade Corrections Department of housing and processing the Mariel refugees and aliens who are arrested for felonies at in excess of six million dollars per year.

We also note that three criminal court felony divisions have been added to the Circuit Court since late 1980 in response to the increase in the number of felony arrests. The annual cost of three new divisions we approximate at one million dollars each.

We caution that it would be unfair and inaccurate to attribute the increase in our crime rate solely to Mariel entrants and other aliens. We can say that the Mariels account for 16% of felony arrests and that they were not here prior to 1980. Many of the legal and illegal aliens who account for an additional 13% of the felony arrests were undoubtedly in Dade

County prior to 1980 and legal and illegal aliens did constitute some portion of felony arrests then as well as now. The increase in felony courts by three since 1980, however, represents an increase in case capacity of 20%, which in turn corresponds to a conservative estimate of the combined impact of entrants and aliens.

Thus, without even estimating police costs and post-sentencing dispositional costs, such as costs of state imprisonment or probation, and without even including the cost of misdemeanors, we estimate an annual cost to the local and state taxpayers of about nine million dollars per year.

(9) Mariel entrants, collectively, are making a very real and laudable attempt to assimilate themselves into this community.

We have learned that media reports of examples of the dark side of the Mariel exodus, particularly as to crime, have obscured a brighter side: the significant majority of the Mariel refugees are assimilating and they are coping and adjusting. Many hundred, for example, are attending English and other classes at Florida International University and elsewhere. Many others arrived with technical skills which have been easily absorbed in our economy. And overall, three quarters of the Mariel entrants have become self-sufficient since their arrival.

(10) Many entrants are still unassimilated and exhibit the need for a diversity of social services which must be provided if they are to remain among us. The costs of these needed and necessary services is, and will increasingly become, very substantial and federal support is both warranted and necessary.

Yet one quarter, or about 25,000, of the Mariel entrants have not assimilated and perhaps they never will. Among this group are the hard-core which were expelled from Castro's jails and mental hospitals. And even were it not for the history of incarceration which many of these entrants bring with them, we note other formidable obstacles to assimilation. These obstacles include two decades of life in a socialist society and a lack of understanding of our economy and labor market, the inability to speak English, the lack of a support system of family, friends or community and a lack of job skills in a period of high unemployment.

Many of these unassimilated Mariels should be incarcerated or taken into federal custody or both. But if any of this group are to remain in our midst, they will require a large commitment of services and resources. We anticipate the arrival of federal impact funds for this purpose but we fear that the commitment is too temporary and limited when it should be neither. And we have just learned that Congress has, at the last minute, cut in half its original commitment. We urge that our congressional delegation make every effort to restore the original impact aid commitment.

IV. THE MARIEL AND HAITIAN ENTRANTS: POLICIES AND PROSPECTS.

A. The Mariels

The Mariel exodus, although it was the third mass exodus from Cuba since the Revolution, was unique in at least two respects. First, the suddenness in which the Boatlift occurred precluded the accustomed pre-screening of the arriving immigrants. And secondly, as Dr. McCoy has pointed out, while the previous Cuban influxes were prompted by changing economic and political situations, the Mariel exodus was directly related to Cuba's difficulty in providing adequate economic and educational opportunities to a young and rapidly growing labor force. The return to Cuba in 1979 of 100,000 visiting Cuban exiles from the United States added to the pressure as the Cuban nationals viewed their relatives' affluence and listened to often exaggerated accounts of economic opportunity in South Florida.

When the Castro government announced the opening of the Mariel Port, the Miami Latin community rushed to liberate friends and relatives, only to find the returning boats filled with strangers as the Boatlift progressed. These, we learned, were Castro's undesirables. Castro termed them "social dregs" and "delinquents" and the U.S. press began to echo that theme and quickly public opinion, both within and without the Latin community, began to change. The Freedom Flotilla had become the Mariel Boatlift. And from then on we read only of the criminals.

The attempts to define the nature of the Mariel refugees is best summarized by Robert L. Bach, an assistant professor of Sociology at the State University of New York, in an article prepared for the U.S. Department of Labor. According to Bach, "compared to the "Golden Exile" of the 1960's, when wealthy businessmen, professionals, and managers migrated en masse, this latest wave of Cubans fared poorly. But how poorly? Did the disorganization of their flight or the current political climate unfairly color our impressions? Based on an analysis of data collected by the Immigration Service during processing, the new arrivals were neither the "upper-crust" nor the bottom layer of Cuban society. They generally possess education and skill levels above the average for those remaining in Cuba and about the same as those who arrived in the 1970's... By projecting this future on the majority of the recent immigrants, it appears that they will find self-sustaining employment within a relatively short period as part of the Cuban-American working class.

Clearly, Dr. Bach's conclusion is optimistic: notwithstanding, a small and dangerous subgroup, the great majority of the Mariel refugees are no different than their predecessors who arrived in the early 1970's.

B. The Haitians

While the Mariels, collectively, are victims of a very negative and generally inaccurate sterotype, the Haitians share a quite different sterotype which is by no means negative and generally accurate: "gentle," "hardworking" and "diligent" are the recurring descriptives. Dr. Jan Luytjes of F.I.U. also pointed out that these Haitians have substantial potential for entrepreneurial success in this country. They are, pointed out Luytjes, the "risk takers." They invested their life savings and their lives in an uncertain sea voyage of almost a thousand miles in an attempt to reach these shores. We will never know, perhaps fortunately, how many of them drowned at sea. If initiative is a quality which we honor in this nation, then clearly these people have demonstrated initiative.

We have learned the following about the nature and motivation of the Haitian immigrants:

(1) The flow of Haitian boat people is undeniably but one part of a much larger flow of Caribbean peoples. In 1980, there were in the United States an estimated 50,000 Barbadians, close to half a million Jamaicans and some 150,000 Trinidadians;

(2) They are fleeing the poorest country in the Western Hemisphere and the 27th poorest in the world. It is also a country with one of the world's most inequitable distributions of income and wealth with less than one percent of the population possessing forty-five percent of the wealth;

(3) Income disparities between the rural regions, which contain up to 90% of the population, and urban areas are increasing, and even without corruption the government's policies seem ill-designed for the nation's problems of massive rural poverty: while 90% of the population is rural, 83% of the government's expenditures are in Port-au-Prince, the nation's capital. Agricultural expenditures never exceed 7 to 10% of the budget and the tax structure is highly regressive.

(4) In the midst of grinding poverty and corruption, arbitrary repression and persecution are alleged to have been the hallmarks of the Duvalier regimes. In 1973, Amnesty International stated: "Haiti's prisons are still filled with people who have spent years in detention without ever being brought to trial... The variety of torture is incredible."

The Haitians, 18,000 of whom arrive simultaneous to the 1980 Mariel Boatlift, augumenting an existing Haitian population in Miami from an estimated 14,000 to an estimated 32,000.

We have begun to understand why these people have come here. And it would appear that unless our national policies relating to Haiti deal with the "push factors" that are causing so many to leave, the migration to South Florida will never be eliminated. But we see no reason why Dade County should bear the burden of this national, or better stated international, issue. It is for the federal government to formulate our future attitude toward the Haitian government and, clearly, it is for the federal government to deal with the immigration problems caused by our attitude toward that government. As we have indicated previously, we in Dade County can not afford to absorb masses of people migrating to this country due to economic and political considerations over which we have no control.

The Haitians who have arrived here have requested political asylum, the obtaining of which requires a showing that they individually left Haiti "owing to a well-founded fear of being persecuted," a condition that has never been precisely defined but one that has been very difficult for the Haitians to meet. And while in the past Haitians applying for asylum were paroled to the community pending the litigation of their asylum claims, the federal government last year began a policy of detention of the Haitians in facilities like Krome, which one witness who appeared before us described as "nothing more than a concentration camp." The government's Haitian policy has been described as discriminatory and racist.

Dr. Howard Gitlow of the University of Miami recently analyzed INS parole-detention decisions made in refugee cases in New York and concluded that in all cases in which the person seeking asylum was non-Haitian, the decision reached was to parole the person seeking asylum, while in 95% of the Haitian applications the person seeking asylum was detained.

We are not qualified to pass judgment on INS' motivations but we do note that Federal District Judge James Lawrence King has written the following in an opinion arising from the Haitian litigation:

> "Haitians who came to the United States seeking freedom and justice did not find it... they were confronted with an Immigration and Naturalization Service determined to deport them... (and to do so) irrespective of the merits of their asylum claims... Over the past 17 years, Haitian claims for asylum and refuge have been systematically denied, while all others have been granted. The recent Haitian Program is but the largest scale, most dramatic example of that pattern...
>
> The Court has seen a stark picture of how these plaintiff-immigrants will be treated if they return to Haiti, and it has seen an equally stark, and even more troubling, picture of the treatment of the Haitians by the Immigration and Naturalization Service."

We note that INS has of late acknowledged that the detention policy, and the Krome Camp which represents its implementation, are intended as deterrents to other potential refugees from the Caribbean and we wonder how just, and how effective, it is to create an immigration policy based upon deterrence. What we feel is needed in a coherent national immigration policy and a coherent policy intended to address the "push factors" which cause residents of impoverished or overcrowded nations to emigrate to the United States. As we have already noted, refugees move geographically in response to political and economic considerations: alleged repression and poverty in Haiti and leftist revolutionary movements in Central America. To suggest that the symbol of Krome Camp can, in all but the very short run, affect the movements of people reacting to such events is, to say the least, simplistic.

And we make one additional observation with respect to Krome: INS lacks the manpower and the ability to identify illegal aliens who are arrested for and convicted of felonies and who are sitting in the Dade County Jail at taxpayers' expense when they should be deported. Instead of deploying its manpower in such a way as to protect this community from illegal aliens and Mariel entrants that INS has itself paroled here, it has chosen to use its manpower to staff its own jail containing 600 Haitians on the edge of the Everglades.

There are 30,000 Haitians in Dade County who are not detained, among them the friends and relatives of those at Krome. Detention is expensive and cruel. Haitians in Dade County, in the past and at present, constitute a minuscule percentage of arrests and their presence poses no danger to our society. INS needs to allocate its resources to create a linkage with Dade's criminal justice system. We advocate paroling the Krome Haitian detainees with relatives here pending resolution of their litigation, while resettling those who do not elsewhere, and getting on with the real business of dealing with the many thousands of criminal illegal aliens and Mariel entrants who are crowding our jails and walking our streets. Krome can then be used to incarcerate these Mariel criminals and illegal aliens who are taken into federal custody.

As for the deterrence argument, we have learned that the Coast Guard has now effectively deterred mass Haitian emigration by deploying a ship off the Haitian coast. The Coast Guard is doing its job effectively and this should provide deterrent enough.

V. NARCOTIC AND CRIME: THE COLOMBIAN CONNECTION

A. A Geographic Perspective

We have learned that not only do people follow trade routes, so too do narcotics. The same geographic considerations that cause peoples to flow into South Florida from the south cause narcotics to do the same. Just as during the Vietnam War the West Coast of the United States was the prime point of entry for narcotics from Southeast Asia, due to the amount of commerce then flowing, so too now has our recently acquired role as hub of Caribbean trade brought with it the sinister side effects of marijuana and cocaine smuggled in from Colombia. Narcotics smuggling follows established trade routes, blending into legimitate commerce where its presence generally goes undetected.

We have learned that the twin problem that have plagued us of late - refugees and narcotics - are closely related. Both problems emanate from our geographic position. Both problems are national in scope: we provide the point of entry for an estimated eighty to ninety percent of all the marijuana and cocaine consumed in the United States. While immigrants tend to settle here, narcotics of course for the most part flow through to other markets in the nation. This last fact, of course, renders it more difficult for the federal government to argue that narcotic interdiction in South Florida is a "local problem." Both problems are of national, perhaps more correctly international, dimension.

In this section of our Report, we will discuss the twin impact upon our crime rate of the federal failure to assume its responsibilities in the areas of immigration and narcotic interdiction. The relationship is clear: the two phenomena that have dramatically increased our crime rate generally, and our homicide rate specifically, have been the relatively unrestricted flow of narcotics. It is not the presence of narcotics alone that has caused the rise in homicides, it is the presence of illegal aliens drawn here by the lure of profit whose presence is facilitated by the federal failure to regulate immigration. The Mariel homicides, generally not related to narcotics traffic, are however attributable to the same laxity in that they are generally committed by that small but violent pool who passed undetected from Cuban jails into the streets of Miami.

And while discussions of homicide rates do not necessarily coincide with discussions of overall crime rates (murders represent at best two percent of all arrests), we have already seen that felony arrests attributable to Mariel entrants and other, generally illegal, Latin-Caribbean defendants represent nearly one-third of all felony arrests.

B. Dade County Homicides: Recent Trends

Notwithstanding the fact that murders represent only a minute percentage of all crimes, murders and specifically the motives and ethnicity of perpetrators and victims have been the focus of considerable attention over the past two years.

June Hawkins, a crime analyst at the Metro-Dade Police Department, has noted the following trends in homicides in Dade County (not including its municipalities). These trends are also noted by Dr. William Wilbanks of Florida International University, and by Assistant Dade County Medical Examiner, Dr. Charles Wetli, both of whom also testified:

(1) The number of homicides in which defendants and victims are Latin has increased dramatically, and this in turn has caused the widely publicized rise in our overall homicide rate.

Dr. Wilbanks points out a 300% increase in the percentage of homicides in which Latins are victims between 1974 and 1980, as compared to a non-Latin White increase of 65% and a Black increase of 16%, for an overall increase of 120%.

June Hawkins provided the following information regarding the numbers and ethnicity of homicide victims over the last several years:

Year	Ethnicity of Victim			Total
	Black	Anglo	Latin	
1977	60	63	21	144
1978	72	48	33	153
1979	70	71	48	189
1980	131	90	82	303
1981	126	82	124	332

While in 1977 15% of all homicide victims were Latin, that figure stood at 37% last year. In that homicides are generally intra-ethnic, these studies assume that the perpetrators is generally of the same ethnicity as the victim. The intra-ethnic nature of homicides is documented in the Final Report on Criminal Justice prepared by the Fall Term 1979 Grand Jury. It was also documented by statistics given to us by the Medical Examiner's Office and the Metro-Dade Police Department.

(2) Corresponding to the increased latinization of our homicide rate is an increase in homicides which have been classified as drug related.

Twenty-six percent of Dade's homicides in which a classification could be made were drug related in both 1980 and 1981, as compared to fourteen percent in 1977.

(3) Colombian nationals are disproportionately represented among the homicide victims, and they are generally illegal aliens.

In 1981, Colombians represented eight percent of all homicide victims, although they are estimated to represent less than two percent of our population. And of these Colombian homicide victims, approximately ninety percent were illegal aliens.

(4) While handguns continue to dominate as murder weapon, automatic weapons and machine guns are used increasingly in homicides in which Latins are victims.

Eighty percent of all victims of homicides in 1981 were killed by guns. Increasingly, however, we find the presence of more sophisticated weaponry, such as that found at the Dadeland Mall shooting, in those homicides in which narcotics appear to have been the motivating factor and in which the victim was Latin. This trend was noted by both Dr. Charles Wetli of the Medical Examiner's Office and June Hawkins of the Metro-Dade Police Department.

C. Our Interdiction Efforts: Introduction

The Colombia source of the marijuana and cocaine flowing into South Florida has been well documented. Colombians have, during the course of the last six years, acquired a virtual monopoly of the supply side of the narcotics traffic in South Florida (and consequently, in the United States), a traffic in which the profits locally are estimated to exceed a billion dollars annually. This monopoly now extends to distribution from South Florida to the rest of the nation.

Our interdiction efforts, understandably, are aimed at the interception of cocaine, marijuana and quaaludes emanating in Colombia en route to South Florida in the air and at sea. We must again point out, however, the close relationship of the flows of narcotics and of people. No drug interdiction effort will be successful unless it also interdicts the flow of illegal aliens, in this case Colombians, entering our community. We in no way imply that, collectively, Colombian nationals are harming our community or its growth: on the contrary, our legitimate commerce with Colombia and its people is of great importance. But once again we return to the issue of the complete inability of INS to interdict the flow of drug traffickers who are illegal aliens into our community. We must remember that without drug traffickers there could be no drug traffic.

Yet here we must point out a paradox: we are a center of international commerce and of tourism. To impede the flow of people (or of commerce) into our community is to impede our economic well-being. Every increase in regulation measures in Customs processing at the airport (or Seaport) slows down the flow of tourists (or of merchandise). Tourists do not wish to spend hours in lines at Customs and this conflict in priorities (facilitating tourism and commerce here being in conflict with maximizing interdiction of illegal aliens and narcotics smuggling) actually translates into tensions between Customs officials and airport administrators. We Grand Jurors strongly urge that this conflict be acknowledged and that it be definitively resolved in favor of drug and illegal alien interdiction.

So much for the supply side. When we look at the demand side of the narcotics equation we are left with even more troubling feelings, and these feelings are about ourselves. We create the demand for narcotics. The drugs have not been thrust upon us. We are a drug oriented society in which the usage of alcohol, nicotine and prescription drugs is a great part of our everyday life. And we are a society which has become tolerant of marijuana and, to an increasing extent, of the cocaine which has become the occasional stimulant of the successful affluent. Can any interdiction effort succeed when we as a society are by no means committed to its success? The answer, painfully, is probably no. And can we be surprised that the mood of law enforcement officers is that of angry frustration? We have listened to expressions of that frustration and we are not surprised.

Finally we have heard repeatedly that alien drug smugglers frequently post large bail amounts and then abscond to their nation of origin, often only to return later under a new fictitious name. The bail expenditures have, in these cases, become a business expense in an industry in which expense accounts appear to be unlimited. Clearly our bail laws and procedures were not designed with an alien defendant population in mind. We need to revisit these laws and procedures and we should make every effort to introduce into the State courts provisions which will require defendants to document the legitimate source of bail bond premiums and collateral before permitting the posting of bail. Also, if illegal aliens were efficiently identified, the initiation of deportation hearings would render the posting of bond more difficult in those cases.

D. Interdiction Efforts: A War on Three Fronts

The Colombia marijuana, cocaine and quaaludes enter South Florida in three principal manners: (1) at sea smuggled in private vessels, (2) in the air by private planes and (3) through the Miami airport and seaport by scheduled flights and arriving commercial shipping. A coordinated interdiction effort requires a coordinated response on these three fronts and experience has shown that a successful response at sea merely results in increased smuggling in the air. Of late, an increased interdiction rate in the air and at sea has apparently caused increased smuggling through the airport.

The narcotic interdiction effort, we have learned, is being waged by the U.S. Coast Guard, U.S. Customs, the Federal Drug Enforcement Administration (D.E.A.) and local authorities, principally the Metro-Dade Police. The frontline in this effort, off-the-coast interdiction at sea and in the air, is the responsibility of the Coast Guard and Customs. We have found that both of these agencies are very competently administered and are doing their job as effectively as their resources allow, and we are grateful for their willingness to testify before us. And we note that neither of these agencies were created for, or have as their primary responsibility, narcotic interdiction. The

Coast Guard has as its main responsibility search and rescue missions and Customs was created to regulate taxable merchandise entering our ports from abroad. Both of these agencies gradually have been brought into the previously non-existent field of narcotic interdiction.

The agencies responsible for interdiction appear to be adequately coordinated although we have heard hints of rivalries and friction. And it is difficult for us to understand how such a multiplicity of agencies can conduct a coordinated effort without a permanent coordinating entity such as now is apparently temporarily represented by the Bush Task Force administration.

As to the success of our interdiction efforts we have heard a variety of assessments. In general we have learned that there is no prospect of our stopping the flow of narcotics, but that there is a prospect of diverting the flow to other ports of entry in the United States. That is a modest, even discouraging, goal but given our continuing demand and the seemingly limitless supply of narcotics it is perhaps the only realistic goal.

Prior to the added resources provided by the Bush Task Force it was estimated by the federal authorities who testified that only about fifteen percent of narcotics were interdicted. That estimate has now been increased to better than twenty-five percent due to Task Force efforts. We discount recent press reports indicating that the interdiction effort has now succeeded in stopping the narcotics flow. The federal authorities have estimated that a seventy-five percent interdiction rate will be required before drug smuggling becomes economically detrimental to the suppliers. The same authorities indicated that a seventy-five percent interdiction rate would require a commitment of resources that is absolutely not achievable due to the costs that would be involved in undertaking such an effort.

E. The Bush Task Force

When Vice President Bush, on February 16, finally acknowledged that "Miami has a disproportionate problem" in a speech dealing with crime in South Florida, the acknowledgment was the result of the intense efforts of the recently formed Miami Citizens Against Crime (MCAC), a coalition of local business and community leaders who had finally prevailed upon the Administration to commit additional federal resources to the narcotic interdiction effort here. We commend the MCAC for their efforts on behalf of this community.

We also acknowledge that the commitment of personnel and resources, including 130 Customs agents, 20 additional DEA agents, a radar plane and additional Coast Guard vessels appear to have had a significant impact upon drug traffic. In particular, the Coast Guard's effectiveness in patrolling the Caribbean channels has been improved as has U.S. Customs' surveillance of planes entering South Florida.

It is still, however, too soon to tell how effective these efforts will be in the long run. Past history has taught us that enhanced capability of intercepting one means of smuggling in narcotics has only resulted in a change in the method used by the smugglers, and we are still incapable of achieving the seventy-five percent interdiction rate that has been estimated as the rate needed to make smuggling unprofitable for the suppliers. Also, as we have indicated elsewhere, we are concerned that this commitment of resources is only temporary and we, as we indicated earlier in this Report, are concerned that the commitment does not provide resources for the INS investigative unit charged with the responsibility of identifying illegal aliens.

F. Interdiction Efforts: A Prognosis

> "It is not just something that is South Florida. That is the most irritating thing... What is happening here is in the future for everyone, unless something is done now."
>
> "We are terribly outnumbered and we keep losing man power while the drug violators continue to increase... It's a mismatch but it doesn't have to be."
>
> "Do we want a problem like this in South Florida? With the violence now that we have related to it, why aren't more men assigned to deal with the problem?"
>
> "We have never fought a group of people before that didn't live here... even the Mafia lived here... I think it's going to get a little worse before it gets better."
>
> "I don't think it's time to give up."

These excerpts from the testimony of local line law enforcement officers who appeared before us summarize our present posture.

There is clearly a need for a greater commitment of resources at all levels. We have heard that less than two percent of all sworn law enforcement officials are specifically assigned to activities related to narcotic interdiction. We have heard that interdiction personnel feel they are undermined by a lack of public commitment as well as by a lack of resources.

But we heard that rhetoric before, in the context of a war in Southeast Asia. Is the interdiction effort another commitment of resources to an unwinnable war rendered futile by the lack of a popular commitment? Are we replaying Vietnam in the Caribbean? Much of what we have heard indicates that we are. The apparently prohibitive cost of a total interdiction effort, coupled with the continuing demand for narcotics, permits no room for optimism. Also, we have learned that the commitment of an intensive interdiction effort, such as the Task Force, may only result in the diversion of the drug flow elsewhere necessitating a new Task Force there.

However, we are not yet prepared to admit defeat. But even a modest victory will require that the demand be reduced. We call for an increased commitment of law enforcement efforts at all levels to this effort, and we call for an intensive educational campaign by our schools, by our government agencies and by the media to publicize and to discuss the growing body of evidence that is emerging which indicates that marijuana, cocaine and quaaludes are not harmless. A precedent exists: a prolonged and intense educational campaign, led by the U.S. Surgeon General's Office, resulted in an extremely significant decrease in the use of nicotine. We can learn from that precedent and a similar campaign is called for here.

VI. FINDINGS AND RECOMMENDATIONS

We are extremely proud of the manner in which our community absorbed the 1980 refugee influx. Although that influx and its aftermath triggered fears, confusion and even disruption for many of us, it also triggered compassion and a display of competence on the part of our local institutions that has heretofore not received the praise it well deserves. Our local and state social service agencies have, during a time of budgetary cutbacks, managed to provide the services the refugees so badly needed. Our economy, in the face of a recession, has absorbed the refugees as evidenced by the fact that only one-fourth of the Mariel entrants presently receive direct assistance, indicating that the other three-fourths are employed. And our criminal justice system, already badly overburdened, has managed to cope with an increased caseload of nearly one-third.

We have exhibited compassion and competence for which we are justifiably proud. And we have also exhibited patience. But our patience has been stretched to the limit. We, the Fall Term 1981 Grand Jury, find that our community has been forced to address a migration of nearly two hundred thousand refugees, and the presence of an additional estimated one to two hundred thousand illegal aliens, in the face of incompetence and inertia at the federal level.

We find that the federal government was completely unprepared for the influx and that it completely mismanaged the belated screening and resettlement attempts that it made. The federal government continues to view the problems posed by the influx as local issues, in the face of clear evidence that these issues are of national scope. The federal government has not yet understood the close relationship between the immigration and narcotic interdiction issues, and the government's failure to grasp the importance of a sufficiently funded and sufficiently staffed Immigration Service has left us without any federal help in dealing with illegal aliens and recidivist Mariel refugees in our criminal justice system. And while we acknowledge the overdue resources provided by the Bush Task Force, we are still without a coherent national immigration policy and without a national commitment to address fundamental immigration issues.

In that context we make the following findings and recommendations:

(1) Our immigration laws appear to us to be obsolete and unenforceable. No provisions existed under the law to address, for example, the Mariel Boatlift and no provision exist to deal with the Mariel criminals in our community. We urge that our federal legislators assign the highest priority to the development of an equitable immigration policy, and that they ensure that such a policy address the needs of South Florida.

(2) We also find that the Immigration and Naturalization Service is completely without adequate resources and that its efforts are totally inadequate. We are particularly shocked to learn of INS's total inability to deal with illegal aliens and entrants in our criminal justice system. We have learned that this impotence is not attributable to the ineffectiveness of local INS personnel, but rather to the lack of a commitment by the Administration to adequately fund and staff INS. It would probably be futile to recommend that the federal government make such a commitment, and we recommend instead that at the local level we develop our own capability for identifying illegal aliens and dangerous entrants and that, once they are identified, we transmit the information to INS for appropriate deportation proceedings and for the placement of the individuals in federal custody.

(3) INS has chosen to use its scarce resources in futile endeavors such as the Krome detention camp. As we have already indicated, we recommend that the Haitian detainees with families here be paroled and the remainder resettled elsewhere. The facility properly secured could then be used instead to house those aliens and entrants who represent the real threats to our community while they are awaiting trial, deportation or resettlement.

(4) And we find that, locally, we must address issues relating to our community's growth which are related to, but transcend, immigration issues. We must develop our own agenda of these issues so as to promote the balanced growth of our community and so as to preserve an acceptable quality of life for all of us who reside here. We cannot continue to accommodate new influxes of people: we have reached the limit in terms of the size of the population that we can support. We cannot afford any more Mariels. We recommend that County and municipal officials assign a high priority to this planning

process and that a committee of experts be designated to initiate this process. We are impressed with the expertise in the fields of economic and political implications of immigration and urban growth that has been developed at Florida International University. We urge that a dialogue be opened between our political leaders, our business community, and the academicians at F.I.U. who are studying these issues.

(5) We find that we have gone a long way in a short time toward assimilating the Mariel refugees into our community. We find that the great majority of Mariel entrants are making a very praiseworthy attempt to assimilate themselves into this community and that our own apprehensions and fears are receding. We find, in short, that the crisis of Mariel and its aftermath are, for the most part, behind us. We recommend enhanced and continued support for those educational and social service programs which are facilitating this important assimilation process.

(6) We also find that a relatively small group of Mariel refugees, many of them the outcasts of Castro's jails and mental hospitals, have not assimilated and in many instances these are the violent criminals whose crimes are continuously reported by the media. We have already alluded to INS' inability to identify these individuals and to the federal government's apparent unwillingness to assume any responsibility for their custody. We find this federal policy of benign neglect to be unconscionable. In conjunction with our recommendation that the Haitians at Krome be paroled or resettled, we urge that the facility, properly reenforced and properly secured, be used to detain illegal aliens and violent Mariel recidivists who are now in our streets or in our local jails. We also urge the implementation by the federal government of a resettlement program for the minority of unassimilated Mariel entrants among us.

(7) We must never have another mass influx from whatever origin. Our community's resources, its compassion and its patience have been stretched to the breaking point during the past two years. Fortunately, we were able to prevail but our community must never again be asked to absorb a population influx from abroad. During our deliberations we heard troubling hints of a "Second Mariel." These hints are based upon hard realities: the over one hundred thousand Mariel refugees each have, in most instances, several family members who wish to join them and who will do so at the first opportunity. We have seen how easily Castro has managed to provide such opportunities in the past.

Speculation concerning a second Mariel aside, however, we can neither afford to provide unimpeded access to illegal aliens from the south. We urge here that the next Grand Jury monitor closely steps that we expect will be taken at the federal, and local, levels to implement the recommendations and to address the concerns that are expressed in this Report. We ask also that their Final Report include an assessment of what has been done.

(8) And as if another example of federal insensitivity were needed, we are now faced with a cutoff of direct refugee cash assistance as of June 1. This means that the 25,000 entrants who are not yet self-sufficient will become totally dependent upon local cash assistance. We urge that local and state officials do all that they can, including pursuit of the issue in a court of law, to avert this cutoff in assistance.

(9) With respect to narcotic interdiction we welcome the resources made available by the Bush Task Force. These resources appear to be improving the interdiction rate. We are concerned, however, with the prospect that the allocation of these resources may be temporarily and we ask that a federal commitment be made to make their allocation permanent. We are also concerned that the allocation of resources has not

included resources to address the problem of the illegal aliens who are in our community for the purpose of trafficking narcotics. We recommend that the INS investigative staff here be at least tripled in size.

(10) And with respect to narcotic interdiction we recommend that the hard issues begin to be addressed. We find that we have not fully committed ourselves as a society to eradicate narcotics, and perhaps we never will. Our local economy apparently has benefitted enormously and our culture has become tolerant of marijuana and even of cocaine. Yet we ask the small numbers of law enforcement personnel assigned to narcotic interdiction to stop a supply for which we create a demand. That is clearly a costly hypocrisy. We call for the appointment of a committee of law enforcement officials and other experts, including those experts who have testified before us, to explore the complex issues relating to narcotic interdiction and to make specific recommendations as to the types of measures, including educational efforts for the community, which will effectively enhance our understanding of these issues and which will decrease the demand for narcotics which we have ourselves created.

(11) Our bail laws and procedures were not designed with an alien defendant population in mind. Many alien narcotic offenders post large bail amounts, only to abscond to their home nation, only to return later with a new name and new identification. We must revisit our bail laws and procedures and every attempt should be made to enact provisions which require that a narcotic defendant not only post bail, but that he also demonstrate that the premium and collateral posted emanate from legitimate sources.

(12) We note that six of the eleven preceding recommendations call for federal action and the end of federal inertia and insensitivity to the national scope of these issues. As

we have indicated earlier, the issues that are paramount in Dade County today, due principally to our geography, are now or will become issues throughout this nation. A failure of the federal government to deal effectively with these issues here today will provide the prologue for repeated failures elsewhere tomorrow, and perhaps the history of federal failure we have found here will someday prove to be the prologue for the failure of the "New Federalism" nationally.

But we have neither the time nor the patience to wait for that. Our final recommendation is that local and state government officials attempt to negotiate satisfactory agreements with the federal government which will address the issues we have raised, issues which are well known to those state and local officials whose testimony we have heard. If that negotiation process fails, as it seems to be doing, we recommend that those issues be addressed in an appropriate court of law: immigration and narcotic interdiction are federal responsibilities. If the federal government will not accept them as such, we must insist that a court of law direct them to assume that responsibility.

Finally, we wish to end on an optimistic note. We find that we have survived one of the most trying periods in the history of our community. We will never again be a community whose most trying, and most nationally publicized, crises were hurricanes. We are now in the forefront of the national and international issues we have discussed.

And we should be very proud of how we survived and of how we coped and adjusted. In the words of Arva Moore Parks, Dade County's most noted historian:

> For a time, the combination of events seemed to overwhelm the city. As strong as a hurricane, winds of rage and hate and fear swirled in the midst of the maelstrom.
>
> The events of 1980 were a temporary setback for the 'Magic City.' But Miami had been set back before -- and had always come back stronger than ever. The city's history prove that Miamians can survive any storm -- Those created by nature and those created by man. The storms will come and go, but the future of 'The Magic City' will always be as bright as the warm sun.

MEMORANDUM

DADE COUNTY FORM 107.07-17A

TO	Richard L. Ward, A/Chief Administrative Division	DATE	February 18, 1986
FROM	Harry E. Bolinger, Commander Management Analysis Bureau	SUBJECT	Recommendations for Combating the Escalating Jamaican Crime Problem in Dade County

Reference is made to Commander A.F. Nehrbass' memorandum dated January 29, 1986, same subject.

Recommendation 1 can be implemented by revising the existing departmental ethnicity code and Field Interview Report (FIR) automated program to accept an additional ethnicity code.

Recommendation 2: Until the ethnicity code and FIR program are revised, the intelligence analyst would have to receive a copy of every FIR concerning the Jamaican-Rastafarian criminal element.

The Department currently uses the IBM Storage and Information Retrieval System (STAIRS) computer program for homicide and sexual battery cases. For Organized Crime Bureau (OCB) to utilize STAIRS, it will be necessary for an OCB representative to either use a STAIRS terminal located in Headquarters Detective Bureau; a STAIRS terminal at OCB linked to Headquarters Detective Bureau by dedicated telephone line; or a new computer program that uses a computer terminal at OCB to access STAIRS through the County mainframe. The latter has greater overall potential since STAIRS, other computerized data bases, security controls, and audit trails can be incorporated into a program that meets departmental requirements.

HEB/dm

AN OVERVIEW OF THE JAMAICAN/RASTAFARIAN
INVOLVEMENT IN VIOLENT CRIMES IN
DADE COUNTY
ALONG WITH A BRIEF REVIEW OF THE
RASTAFARIAN CULT

In November, 1985, a meeting was convened by Colonel Rafferty in the Director's Conference Room. The purpose of the meeting was to discuss the problems relating to the increase in violent crime in Dade County by a segment of the Jamaican population. It was decided at this meeting that members of the various sections of the Metro-Dade Police Department along with members of other law enforcement agencies should meet together for the purpose of finding a solution to the problem.

On December 4, 1985, a second meeting was held in the Inspection Services Bureau's conference room with the following members in attendance:

Lieutenant Michael Hammerschmidt, G.I.U. South District
Sergeant Randy Allen, North Regional Narcotics Unit, OCB
Sergeant Ed Howell, South Regional Narcotics Unit, OCB
Special Agent Neil Kern, ATF
Special Agent J. J. Watterson, ATF
Special Agent Paul Wynne, US INS
Detective Gene Friedman, G.I.U. Central District
Detective Ben Hall, G.I.U. South District
Detective Jerry Bell, Homicide Section
Detective Preston Lucas, South Regional Narcotics Unit, OCB
Detective Larry Thomas, North Regional Narcotics Unit, OCB
Detective Anthony Wilson, C.S.T. Central District
Detective Robert Singer, Robbery Section
Detective Robert Sisley, C.S.T. Northwest District

During this second meeting it was decided by the members that the criminal activity being perpetrated by the Jamaican element was definitely organized and rapidly growing. It was also determined that this growth in crime, particularly violent crime, poses a threat to the safety of both citizens and the law enforcement community.

At the conclusion of the meeting it was decided that each member send whatever intelligence information pertaining to Jamaican criminals that they had to Sergeant Allen at the North Regional Narcotics Unit office. After this information was collected and organized, another meeting would be scheduled solely for the purpose of determining recommendations to combat the problem.

The following is information obtained concerning Jamaican criminal activity:

Since January of 1979, there have been 55 Jamaican/Rastafarian homicides in Dade County. Of these 55 homicides, 45 are narcotics related with some of the victims being innocent bystanders caught in the gunfire.

Since October of 1983, there have been approximately 49 reported Jamaican/ Rastafarian related robberies. The majority of the home invasion robberies involving Jamaicans are narcotics related and the patterns revealed that the victims in the majority of these robberies are Jamaicans. The other robberies perpetrated by Jamaicans were directed against Jamaican business owners. The areas affected are the Northeast District area in the Sunshine Parkway neighborhood and the areas in Northwest District, west of Northwest 17 Avenue all the way into sections of Carol City. There have been robberies in the South and Southwest Districts but not to the extreme as in the north end of Dade County. Investigation has revealed that it is not uncommon for Jamaican robbery suspects to come from New York, commit the robbery and then return to New York where they have been known to commit the same crimes up there.

Although the amount of Jamaican/Rastafarian related robberies are not great, the severity of these cases far outweigh the amount. The weapons involved have been KG 99 machine guns, automatic handguns as well as other handguns. The subjects in these cases have not hesitated to shoot, beat or kidnap their victims. The subjects are ruthless and when caught have shown no remorse for their crimes and have rarely assisted robbery detectives in any other cases.

In South Dade, specifically the Goulds area, there have been several recent incidents involving Jamaican black males. Listed below is a description of some of these incidents:

On June 27, 1985, six bullet holes were found above the front door of the Goulds Lounge, located at S.W. 230 St. and 129 Ave. The Goulds Lounge is a well known hangout for Jamaican black males and drug transactions between American black males and Jamaican dealers. The bullet pattern above the door resembled that of an automatic type weapon. The Goulds Lounge is operated by a Jamaican black male named Winston Forbes.

On June 29, 1985, a stolen vehicle was recovered several feet from the Goulds Lounge. The vehicle had approximately 14 bullet holes in the left front section of the vehicle. The pattern of the bullet holes resembled that of an automatic weapon. The gunshots were heard at 2:00 a.m. and there were no known injuries.

On July 6, 1985, at 12 noon, three unknown black males, believed to be Jamaicans, kicked the front door in at 12030 S.W. 220 St. and shot a black Jamaican male who later expired. The investigation revealed that the three black males and the Jamaican exchanged automatic gunfire between each other. Physical evidence on the scene found bullet holes in the pattern of automatic weapons in the front of the residence. Found hidden at the scene were a fully loaded .357 magnum Black Hawk revolver, a KG 99 semi-automatic pistol with two fully loaded magazines, and a MAC 10 fully-automatic pistol.

On July 8, 1985, at 2:30 a.m., a black male, 15, was shot while sitting in the Goulds Lounge. It is believed that the black male, an innocent victim, was shot as a result of cross-fire between two unknown subjects.

On October 26, 1985, information was received from a C.I. that a contract was placed on the life of Officer David Dorsey, South District Team Police Unit. Information was obtained that Officer Dorsey had been cutting in on the narcotics transactions by arresting six of the pushers working in the area. Officer Dorsey had also saturated the area and the narcotics business had dropped off drastically. A subject nicknamed "Shakespeare," subsequently identified as Robert Martins who is a Jamaican black male, and a Rastafarian nicknamed "Exador," were overheard talking about a contract on Officer Dorsey. The hit was going to be carried out on Halloween, October 31, 1985, by one of the Dreadlocks (soldiers) in the "Exador" ring. After the hit, the Dread was going to leave the country immediately in the normal way. Further information revealed that "Shakespeare" or "Exador" paid an unknown person for finding the home address of Officer Dorsey. Officer Dorsey and his family had to be moved from their residence due to the additional information that the hit was for Officer Dorsey and/or his family.

A search warrant led to subject "Shakespeare's" arrest and seizure of $700.00 and 85 dime bags of marijuana. A confidential informant was taken on location and pointed out "Exador's" residence, which is located at 2975 N.W. 202 Terrace (address check - Hiram Vaughn, DOB 3/8/40). Since the arrest of "Shakespeare," the narcotics transactions in the area of S.W. 224 St. and 116 Ave. have slowed down drastically. Through sources, it was learned that two new houses are being sought in the Naranja area. The exact locations are unknown at this time.

In North Dade, specifically Northwest District, there have been several recent incidents involving Jamaicans. Listed below is a description of some of these incidents:

On August 9, 1985, a black Jamaican male was found in the trunk of a vehicle at N.W. 47 Ave. and 213 St. The male had been shot to death and wrapped in a quilt.

On August 11, 1985, uniform units were dispatched to 3445 N.W. 180 St. in reference to a person being stabbed, beaten and held against his will. The victim was located and seven individuals were arrested as well as weapons and handcuffs being impounded. The victim and the subjects were all Jamaicans and the incident was narcotics related.

On August 29, 1985, a black female was shot and killed and at least two other persons were shot at the Bunche Park Recreational building. Witnesses stated that the victim was approached by three Jamaican males who fired with automatic weapons (both 9mm and .45 caliber casings were found at the scene). The subject fled in a burgundy colored vehicle.

On November 18, 1985, Eddie Funchness was abducted from his home at 19143 N.W. 36 Ave. by a black male and female. A connection was not established with the victim but a witness, Tyrone Johnson (a wellknown Jamaican involved with robberies and narcotics) was present. The victim was later located at Jackson Memorial Hospital after being shot.

On October 2, 1985, Detective Robert Williams, while working off-duty in the area of N.W. 183 St. and 27 Ave., was approached by an anonymous person who stated that he had been approached by a black male Jamaican who asked him if he wanted to buy a gun. The Jamaican then showed the person a MAC 10 that he had been carrying in a bag. The Jamaican said that he had more in his vehicle and that he also had silencers for the weapons. The Jamaican was pointed out to Det. Williams but, when he attempted to approach him, he fled with three other black males in a white Toyota.

Street sales of marijuana and both HCL and cocaine base have increased in the area of the apartment complex located at 18665 N.W. 37 Ave. In addition, Carol City Senior High School is located next door and school children often come to the apartment complex to purchase narcotics. Information gathered revealed that a black male Jamaican ("Dread") was controlling all narcotics sales within the area. The Jamaican would bring the product to the apartment and then use local blacks to sell to the public. During October, Anthony Gay (Anthony Pharr) and Edward Collins attempted to run out the current management and take over operations. This resulted in the following occurrences:

On October 28, 1985, at 11:15 p.m., a black female was shot in the leg by automatic gunfire at 18665 N.W. 37 Ave. A dark blue Cadillac and a dark green/metalic green Cadillac were seen leaving the area. Anthony Gay owns a dark blue Cadillac and .380 caliber casings were found on the scene. The black female victim appears to be an innocent bystander.

On October 29, 1985, at 7:00 p.m., Edward Collins' mother, Mattie Collins, reported that unknown subject(s) fired into their house at 18812 N.W. 32 Court. The subject(s) fled in a 1983 Cadillac Fleetwood.

On November 5, 1985, at 11:45 a.m., numerous person reported that unknown subject(s) fired shots into the courtyard at 18665 N.W. 37 Ave. 9 mm casings were recovered and several witnesses reported seeing a small red vehicle, possibly a Toyota, leaving the scene.

On November 7, 1985, at 5:00 p.m., Anthony Gay and Edward Collins reported that Richard Johnson ("Malone") and Alfonso Spikes ("Wildman") fired shots at them while they were at Collins' residence. 9 mm casings were found at the scene. Johnson and Spikes were driving a light green Buick Century. Information gathered suggested that both Johnson and Spikes work as enforcers for the Jamaican management at the apartment complex.

On November 25, 1985, at 2:14 a.m., while investigating a hit and run report in the area of N.W. 183 St. and 27 Ave., Officer Nick Cefelo heard automatic gunfire coming from a parking lot in front of Studio One '83. Officer Cefelo responded and observed black males in a blue Chevrolet shooting at other black males in a small red vehicle. The subjects and Officer Cefelo exchanged gunfire and both subject vehicles fled the area. A back-up officer encountered the subjects in the blue Chevrolet and fired one round from his shotgun, striking the subjects inside the vehicle after they had pointed handguns at the officer. Six Jamaican subjects from the blue Chevrolet were taken into custody and at this time it is unknown if the red vehicle involved is the same as the one connected with Anthony Gay and Edward Collins.

On December 17, 1985, Anthony Sawyers and Pedro Rodriguez were shot at the 183rd Street Flea Market by three black Jamaican males. The Jamaican had gotten involved in an argument with an unknown black male and then shot both victims. The victims both appeared to be bystanders and the unknown black male fled when the shooting started. 9 mm casings were found on the scene.

In the Northwest District, the following trends have become evident:

1) A greater number of Jamaicans are being involved in criminal activities. At least 130 Jamaicans have been arrested during 1985.

2) Jamaican subjects are becoming involved in more violent crimes using firearms.

3) Many Jamaican females are involved in retail theft and shoplifting.

4) Although many of the victims thus far have been other criminally involved Jamaicans, many innocent bystanders have been caught in the middle and injured or killed.

5) Many Jamaican-subject activities have extended into Broward County and are connected to New York.

6) Attempted take-overs of narcotics sales by Jamaican subjects have increased.

7) Firearms used in Jamaican-subject related activities have become of better quality and, in many cases, have been automatic weapons.

8) There has been a major increase in the Jamaican population in the Northwest Dade area. On October 13, 1985, a West Indies carnival was held with approximately 10,000 to 15,000 persons attending. Private Jamaican parties are being held at Studio One '83 on a regular basis with good turnouts each time.

The following information was provided by ATF Special Agent Chuck Sarabyn and relates to one Jamaican organization. It is being presented for the purpose of illustrating just how organized and dangerous the Jamaican criminal element has become:

SIGNIFICANCE: The Blake organization is involved in the importation and distribution of large quantities of high grade marijuana and cocaine from Jamaica and the illegal acquisition of large numbers of firearms that are used to facilitate the narcotics trafficking. Investigation further discovered that Miami is the distribution hub of the organization for firearms and narcotics trafficking between Jamaica, Detroit, New York City, Los Angeles, Cincinnati and Toronto.

IMPACT ON COMMUNITY: Criminal investigations and intelligence gathered by the Miami Police Department, Metro-Dade Homicide Section, Broward Sheriff's Department, Toronto, Canada, New York City Police Department, Detroit Police Department as well as ATF in New York City, Detroit, Cincinnati, Orlando and

and Miami indicate that the Blake organization is involved in homicides, other drug related shootings, the importation and distribution of narcotic drugs and the illegal possession and transfer of firearms.

LENGTH OF EXISTENCE IN AREA: The Blake organization has been involved in firearms and narcotics trafficking for more than four years. Blake's organization was suspected of being involved in several drug related shootings in New York, New Jersey and South Florida.

STRUCTURE: The Blake organization, directed by Vivian Leslie Blake, a Jamaican national residing in South Florida, has been importing and distributing marijuana and cocaine throughout the United States.

Investigation has linked Blake to a narcotics supplier in Jamaica who is wanted by the Jamaican police for five homicides. The Blake organization utilizes Miami as a distribution point to supply New York City, Detroit, Los Angeles and other points in the United States.

Firearms purchased by members and associates of the organization in South Florida and Cincinnati, Ohio, have been recovered in homicides and narcotics investigations throughout the United States. Firearms have also been illegally shipped to Jamaica.

KEY SUPPORT: Investigations supported by intelligence indicate that Vivian Blake finances and operates the organization in the United States. Further investigation is being conducted to determine if a Jamaican or other organization has a financial interest in the organization.

KIND OF COURIER SYSTEM: The courier system employed by the Blake organization varies. Narcotics have been found to be transported domestically by rental vehicles, female couriers using commercial airlines and Federal Express overnight delivery. Illegal firearms have also been seized from sea and air freight entering Jamaican ports. Firearms have also been seized accompanying the drugs via Federal Express in the United States. Means for the importation of narcotic drugs has not been determined as of this date. Preliminary intelligence sources indicate the drugs are flown out of a private airport near the city of Kingston, Jamaica.

TYPE OF ORGANIZATION: The Blake organization is directly associated with a criminal organization in Jamaica.

GEOGRAPHIC SCOPE: The Blake organization is international in scope by virtue of importation from Jamaica and distribution throughout the United States.

HISTORY OF ORGANIZATION: Criminal investigations have been conducted in South Florida, New York and Jamaica since 1981 linking the organization to firearms and drug trafficking.

LEVEL OF VIOLENCE: Members of this organization have been arrested for, or are presently suspected of being involved in homicides, trafficking in narcotics and firearms, aggravated assault and illegal possession of firearms.

DEGREE OF CONTROL OR INFLUENCE IN AREA DRUG TRAFFICKING ACTIVITIES: Criminal investigations conducted by the Pembroke Pines Police, Miramar Police, Orlando Police, Broward County Sheriff's Department and several other departments along with firearms related ATF investigations, supported by intelligence gathered from informants, indicate that a significant amount of narcotics activity is being generated by the Blake organization. There have been over 100 people documented as being related to the organization.

It should be pointed out that the New York City Police Department has devoted a lot of resources over the past few years aimed towards identifying and combating the Jamaican/Rastafarian crime problem. The below listed information was presented at the Fifth National Conference on Rastafarians hosted by the NYPD in March of 1983:

"THE RASTAFARIAN CULT"

ORIGIN, ORGANIZATION, METHOD:

This quasi-religious cult emerged during the 1930s in the British West Indian island of Jamaica. In their quest to improve existing conditions, a small hard-core military group ignited a reign of terror which has lasted for many years. Most of the estimated 10,000 Rastafarians currently living in New York are honest, hardworking, law abiding individuals who remember and still fear the criminal element of their cult. Extortion is the trademark of this cellular structured organization which victimizes our West Indian community. Their major source of income is derived from the illegal sale of guns and narcotics.

GENERAL ENFORCEMENT PROBLEM:

1) Many of the crimes committed by the Rastafarians go unreported due to the victims' fear of reprisal against themselves or family members still on the island of Jamaica.

2) It is extremely difficult to develop current tactical or strategic intelligence due to the cellular structure and quasi-religious nature of this organization.

3) The absence of available federal funds and limited manpower restrict efforts to wage a full scale campaign against the Rastafarians.

4) Most of the Rastafarians are armed and will kill to avoid detection for apprehension. They believe in reincarnation and do not fear death. They pose a definite threat to any police officer they come in contact with.

5) When arrested for criminal activity, they often cry "religious discrimination" to place the police on the defensive.

The following information was obtained from a New York Police Department intelligence report. The primary objective of the report is to give a brief illustration of the philosophical and religious doctrines of the Rastafarian Cult in Jamaica as well as here in the United States. Also, by briefly explaining the socio-economic structure of the "Rasta" in Jamaica, one may understand why many choose to migrate illegally to this country.

Many of the "Rastas" in this country (illegally or legally) tend to stray from their tenets and engage in criminal activity, using their religious doctrines as a cover for their criminal behavior.

Rastafarianism is a religion. As fragmented as it may appear to our society, to a Rasta it is a strong religion. Rasta roots lie in a complex soil of everything from the Old Testament bible interpretation to comtemporary world affairs and from a Jamaica of today to a Messianic and visionary Africa of tomorrow. It is born out of the "stranger-in-a-strange-land" feelings of the modern-day Afro-Caribbean and out of a Euro-African cultural sphere still bearing the scars of the plantation slave society. A "true" Rastafarian is a law abiding, proud individual. Among his peer group, he is referred to as a "Brethren." The term Brethren is one of honor, it denotes one who is "true" or having total commitment to the Rastafarian religion.

The following doctrine is the basic concept of the Rastafarian:

a) Rastafari is the living god

b) Ethiopia is the black man's home

c) Repatriation is the way of redemption for black men. It has been foretold and will occur shortly.

d) The ways of the white man are evil, especially for the blacks.

The Brethren do not speak of people joining their cult. In their view, the doctrine is in them at birth but unfolds and comes into consciousness when they recognize the Emperor Haile Selasse (who was Prince Rastafari, prior to being crowned King of Kings, Emperor of Ethiopia) as God and themselves become fully conscious. When this happens, the convert makes a private vow or pledge to his god, usually to a photograph of the emperor, that he will abide by the laws of god and the rules of the doctrine such as those regarding their hair. On this basis, some differentiation is made between the "true," "partial" and "false" Brethren. This is sometimes expressed as the elect and the non-elect, or the priests and the members; but whenever these distinctions are declared, groups reject their applicability to themselves.

Among the Rastafari, an important and extremely complex set of ideas cluster around reincarnation. There is no general rule that an individual should have the same name once he is reincarnated.

THE NEW ADOPTED LANGUAGE

The Rastafarians are inventing their own language, based upon the existing elements of English that would faithfully reflect their religious experience and their perception of self, life and the world. This new language emphasizes the re-emergence of the African mother-tongue and includes a special place for the assertion of the individual, in a worl that has historically denied the individual.

The Rastafarian language comes with a whole new vocabulary of "I-words" which express not only their individualism but also the unity they see among themselves. For instance, the plural of "I," instead of being, "we," is "I and I" or "I-n-I." Their word for "myself" is "I-self" and for "ourselves" is "I-n-I self."

Through this use of the first person pronoun, the Rastafarian is redefining the importance of his own personhood in relationship to "JAH" (the Rasta word for God) and to society.

The new language when used by the criminal element within the Rastafarians, provides many problems to those outside the cult:

a) When a law enforcement officer has occasion to arrest a group of "Rastas," very often the brethren will utilize this language to prepare their "cover stories." The language prevents the arresting officer from knowing what is being said.

b) Within the West Indian community, "Rastas" speak freely among themselves realizing that the average West Indian will find it difficult to comprehend what is being discussed. The language also serves to identify "true believers" to one another.

c) This language is very often used at West Indian social affairs by the brethren. This facilitates their plotting of criminal acts such as robbery or shooting incidents.

Members of the department should be aware that a "Rasta" may speak this language in an attempt to avoid answering questions. He may also try to appear as though he doesn't speak or understand the English language.

BLACK NATIONALISM

All Rastafari brethren agree that the black man is exploited in the Western World and must get back to Africa. For some this is a secular doctrine, derived from the history of the Negro during slavery and since. For others it is a religious doctrine, enshrining the proposition that the black man is the chosen race of God.

The secular view is rooted both in history and in the contemporary social structure of Jamaica. The majority of society recognizes that Negroes were exploited during slavery. Rastafari brethren assert that Negroes are still exploited.

When challenged, the brethren point to the contemporary situation where economic and racial lines run close together. Eighty per cent (80%) of Jamaica's population is black, about two per cent (2%) is white and most of the rest is colored. By and large, the economic system is a pyramid with whites at the top, colored in the middle and blacks at the bottom. It is difficult to pretend that in a Jamaica today, the average black child, brown child and white child have equal chances at birth.

The slums of Kingston are excellent breeding grounds for Black Nationalism. Unemployement is endemic and widespread in Kingston and many persons who actively seek employment have for years and only occasional casual labor. The areas where many Rastafari brethren live have no water, light, sewage disposal or collection of rubbish. It is not strange that those who live in these conditions would like to emigrate.

Marcus Garvey taught that the black man would find his soul only by turning his back on white civilization and returning to Africa to live under black government. All Rastafari brethren believe this to be true.

PROPENSITY FOR VIOLENCE

The Rastafarian Cult is reported to adopt a stoic attitude toward violence, probably due to heavy ingestion of marijuana, the "true" brethren will no doubt deny this.

Recent events in Kingston, Jamaica have increased the acceptability of revolutionary ideas in that country. Relations between Rastafari brethren and the police have deteriorated sharply in Jamaica over the last few years. This is primarily due to the escalation of criminal acts in that country, i.e., robberies, extortions and drugs. They have deteriorated even more sharply in the last twelve months, in the course of which police have carried out extensive raids and made numerous arrests of Rastafarians.

The brethren have a strong sense of persecution, which draws them together. In this mood, an explosion of violence is quite possible. This strong feeling of persecution should be of concern to law enforcement agencies as a baromter to new trends/or criminal patterns.

We have no evidence that Rastafarians, as a group, are being manipulated by non-Rastafarians with violent beliefs such as activist or terrorist groups

The Rastafarian doctrine is radical in the broad sense, that it is against the oppression of black men, much of which derives from the existing economic structure. But it has no lings with Marxism, through analysis or prognosis. However, many Marxists recognize that the violent aspects of the Rastafarian movement provides a potential for manipulation.

Revolution becomes redemption, with repatriation to Africa as the excuse for violent confrontation. The movement has been infiltrated by a number of criminals, but these people are essentially individualists and have little ideological influence.

Because of this individualism and lack of ideological influence, manipulation of the Rastafarians will be difficult, if not impossible. In this city, Rastafarians are, for the most part, apolitical, with the only exception being the brief existence of the Rastafarian Movement Association (RMA), during the latter part of 1974.

All investigations into Rastafarian activity in this city have uncovered their propensity to criminal activity. They mainly prey on fellow Jamaicans or other Rastafarians, through assault, homicide, or extortion. They also engage in smuggling of illegal aliens and marijuana into this country. When they are discovered in criminal activity, the y will resort to violence in an effort to escape.

DIVERSITY OF CRIMINAL ACTIVITY

This quasi-religious movement has not (as a result of new intelligence) proven to be a very rapidly growing cult. It has a strange dichotomy about it that makes it rather unique. On one end of the spectrum is the very religious, hard working, law abiding Rastafari. On the other side is the Rastafarian that the true religious brethren refers to as "RUDEBOYS." We in law enforcement refer to the "RUDEBOYS" as the criminal element. This criminal element of sect within the Rastafarian Cult is starting to generate attention and concern throughout the United States and Canada. In order to remain totally objective, one must not lose sight of the fact that this writer is talking about two separate and distinct factions within the Rastafarian Cult, e.g., RELIGIOUS vs. CRIMINAL:

The purpose of this report is not to imply that the Rastafarian Cult as a whole, is criminal. Nor is it to suggest in anyway that the legitimate and basic doctrines of the Rastafarian religion dictates in anyway the violating of laws, or condones in any manner, the acts of violence employed by the alleged members of their cult.

Six years ago, intelligence gathered indicated that members of the Rastafarian Cult were being sent to Havana, Cuba for extensive training in guerilla warfare. At that particular time, the intelligence gathered was the only indication that Rastafarians were graduating above the level of street crimes and beginning to develop small cadres or cells within their cult capable of posing a serious problem to law enforcement. Since that time, through the cooperation of other law enforcement agencies, the opportunity was made available to carefully analyze the criminal structure of this group. The following revelations have come to light:

Various groups, clicks, cadres and/or cells within the Rastafarian Cult have aligned themselves with the following:

a) Black Organized Crime..............................(located in Harlem)

b) The Black Israelites...............................(located in Brooklyn)

c) The Five Percenter Nation..........................(Brooklyn South group)

d) Organized Crime Family.............................(Miami, Florida)

e) *The Twelve Tribes.................................(located in Guyana)

f) *The House of Israel...............................(located in Guyana)

g) *The Rastafarian Brethren Aid Committee............(New York & Miami)

h) *The Caribbean Progressive League..................(New York City)

i) *The Revolutionary Rastafarian Guerilla Movement...(New York & Miami)

NOTE: It is important to mention that this writer is alluding to cell structures within the criminal elements that have aligned their particular groups with the aforementioned organizations.

To further differentiate the criminal elements; those organizations preceeded by an asterisk denotes political loyalty or backing by members of the People's National Party in Jamaica, West Indies. A sufficient amount of unsubstantiated information has been provided indicating that those organizations of political involvement are engaged in the filtering of monies to persons who have direct ties to members of the People's National Party.

In conclusion, it is obvious that certain members of the Jamaican/Rastafarian cult pose a serious threat to our community. It is extremely important that the law enforcement community utilize the necessary resources to combat this rapidly growing problem.

METROPOLITAN DADE COUNTY, FLORIDA

METRO—DADE POLICE DEPARTMENT
1320 N.W. 14TH STREET
MIAMI, FLORIDA 33125

December 8, 1986

Mr. John Tipton
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Tipton:

Responses to the questions you presented at the September 16, 1986, meeting are provided in the same sequence as listed on the form captioned Immigration and Naturalization Service's Apprehension of Criminal Aliens.

1. A description of the Department is contained in The Silver Badge (Enclosure 1), Metro-Dade Police (Enclosure 2), and the Services Provided by the Metro-Dade Police Department Chart (Enclosure 3).

   . Metro Dade Police Department (MDPD) has 3,352 employees, 2,298 of whom are sworn officers (1,054 civilian).

   . The Department utilizes six districts to provide routine services, another district assigned exclusively to Miami International Airport, and centralized specialty units; e.g., homicide, sexual battery, organized crime.

   . Effective December 15, 1986, Metro-Dade Department of Corrections and Rehabilitation booking facilities will only be available at the main jail and the stockade. Defendants may also be booked at the seven MDPD district stations, however, that occurs only in a limited number of felony cases. Misdemeanants are booked at the foregoing locations and most municipal police department headquarters.

   . Departmental Manual Section 4.300, Procedures - Computerized Informational Systems (Enclosure 4), describes basic computer capabilities. Additional capabilities such as the Storage and Information Retrieval System (STAIRS), the Printrak Automated Fingerprint Identification System (AFIS), and an IBM System 36 are also being made available to some departmental entities. The Department does not have a dedicated mainframe computer.

2. The Arrest Report of Aliens Booked between October 5 and October 18, 1986 (Enclosure 5), is a self-explanatory computer print-out prepared by the Administrative Office of the Eleventh Judicial Circuit Courts of Florida, that partially documents the magnitude of the criminal alien problem in Dade County, Florida.

   . Additionally, the listing captioned Foreign Born Defendants Arrested Dade County, Florida, October 26 - November 8, 1986 (Enclosure 6), is a summary of pertinent Complaint/Arrest Affidavits received by

MDPD Records and Identification Bureau, and further documents the magnitude of the criminal alien problem in Dade County, Florida (Machine copies of the actual Complaint/Arrest Affidavits are available for your review).

. The Research and Statistics Section, Florida Department of Corrections, advised that the total Florida State Prison population was 31,281 on November 15, 1986, including 1,934 alien or foreign born prisoners; 834 of whom are Mariel Cubans and 69 are Haitians.

. The Metro-Dade Department of Corrections and Rehabilitation advised by memorandum dated October 2, 1986 (Enclosure 7), that on that date, 1,083 alien or foreign born inmates out of a total jail population of 3,274 were incarcerated. Note that this represents approximately 33 percent in jail facilities that are consistently near court ordered maximum capacity.

. Alien probation and parole figures are extremely difficult to obtain due to extensive use of alternative controls by the State Attorney and courts, e.g., pretrial release and rehabilitation programs, in addition to the conventional state-operated pardon and parole procedures.

. The State Attorney's letter dated November 19, 1986, with attached copy of the Dade County Grand Jury report of the Fall term of 1981 (Enclosure 8), sets forth the prosecutor's estimate of the problem.

3. The MDPD overall strategy for dealing with the local alien problem is to enforce laws without regard to alien status. Section 4.100, Departmental Manual, Procedures - Arrest (Enclosure 9) and Chapter 901.26, Florida Statutes, Recognition of International Treaties Act (Enclosure 10), specify certain procedures concerning diplomatic/career consular officers, and arrest of foreign nationals.

   . At the time of arrest, we do not necessarily find out if an arrested individual is an alien since many aliens do not carry or possess identification documents required by Immigration and Naturalization Service (INS).

   . INS is not routinely notified when an alien is arrested.

   . Overall experience with INS is that they respond according to an assessment of the urgency to respond; e.g., suspected aliens located in an area conducive to illegal entry into the United States, INS parolee arrested on a felony charge, and non-English speaking person unable to produce adequate identification.

4. Plea-bargaining is the State Attorney's prerogative. See number 5 below.

5. The next to last paragraph of the State Attorney's letter (Enclosure 8) states the prosecution position concerning criminal aliens leaving the

country in lieu of prosecution; i.e., prosecute and attempt to have INS deport after conviction.

6. Some problems associated with criminal aliens are:

   . Overcrowding of jails.

   . Financial burden on local taxpayers.

   . Impact of illegal aliens on crime and local economy.

   . Illegal aliens are afraid to report victimization for fear of deportation. Criminal aliens, including illegal and otherwise legally deportable aliens exploit their victims' fear of detection/deportation.

   . The large involvement in illicit traffic of controlled substances; drug-related violent crimes; drug dealer rip-offs; and compromising previously honorable citizens through the temptation of large sums of quick and easy money; e.g., corruption of public officials.

   . Criminal aliens in custody overburden the criminal justice system at a high cost in dollars and early release of other convicts to relieve jail overcrowding; many convicts released early have not been rehabilitated and are recidivistic.

   . Criminal aliens not in custody have an adverse impact on the community in general and the Department in particular through their consumption of public services funded by local taxes. Their criminal acts cause tangible losses to the private and public sectors and intangible losses to the entire community by fostering a public perception of rampant violent crime. The Department is forced to expend its limited resources to detect and apprehend recidivist criminal aliens and the cost to Dade County taxpayers begins a new cycle.

A possible solution to dealing with and controlling criminal aliens will require timely identification and tracking utilizing a national automated fingerprint identification system (AFIS), with automated access to criminal history records, outstanding warrants, and pertinent INS records. The system would require strict controls to preclude violation of individual rights.

The sequel to this identification, linking, tracking, and apprehension process would be criminal prosecution and, if convicted, deportation as soon as possible thereafter.

Mr. Tom Sweeney, WPLG (Television Channel 10), Assignment Editor authorized reproduction of their five-part news series, Los Criminales, (Enclosure 11), reported by Victoria Cordere, for your use. Mr. Sweeney advised that the film has been previously shown to a Congressional Committee.

As requested, the following additional documents are also enclosed:

Crime Analysis and Recommendations for Criminal Justice Resource Management (Enclosure 12).

Crime Statistics for Dade County, Florida 1979-1985 (Enclosure 13).

Memorandum from Bobby L. Jones, Director, MDPD, to M. R. Stierheim, County Manager, dated January 27, 1984, subject: Federal Assistance Program (Impact Aid) Foreign National/Mariel Refugee Impact on the MDPD (Enclosure 14).

Memorandum from M. R. Stierheim, County Manager, to the Honorable Mayor and Members Board of County Commissioners, dated February 21, 1985, subject: White Paper on Immigration (Enclosure 15).

Copy of the outline used at our September 16, 1986, meeting captioned Alien Criminal Tracking (Enclosure 16).

Machine copy of an article that appeared in The Sheriff's Star, September, 1986, captioned Sheriffs Want Immigration Officials to Keep Drug Dealing Aliens Behind Bars (Enclosure 17).

Please be assured of our continued cooperation in matters of mutual professional concern.

Sincerely,

Harry E Bolinger

HARRY E. BOLINGER, Commander
Management Analysis Bureau

HEB/sh
Enclosures (17)

Papers presented to
Federal officials in
Washington, D.C., 5/30/85 by
Dade County delegation
led by Commissioner
Harvey Ruvin & County
Manager Stierheim

DADE COUNTY, FLORIDA
CRIMINAL JUSTICE FACT SHEET
MARIEL CUBANS

Five years after the Mariel Boatlift, Dade County is still affected by that event.

In Dade County there are 100,000 Mariel Cubans or over 75% of the 131,000 that came to the United States in 1980.

The majority have been successfully absorbed into the established Cuban American community of 400,000.

Unfortunately, fifteen to twenty thousand Mariel Cubans in Dade County have established criminal records since their arrival that could prevent them from becoming U.S. citizens under existing immigration laws. An estimated 2,000 of this group are also violent, mentally disturbed and a danger to themselves and others.

On any day there are between 350 to 400 confirmed Mariel Cubans in Dade County pretrial and correctional facilities.

During 1985, the cost to the Dade County Department of Corrections and Rehabilitation to house these Mariel Cubans will exceed $6 million.

The impact on law enforcement and the courts is also staggering.

Although only five percent of the Dade County population, in 1984 Mariel Cubans accounted for 10% of the felony bookings, an estimated 22% of the misdemeanor bookings, and nearly 50% of those incompetent to stand trial in the local court system.

This group is becoming more criminally active. In 1984, Mariel Cuban felony booking rates increased 30% over 1983 figures, and helps account for the recent FBI report that showed an increase in crime in Miami and Miami Beach in contrast to the general decrease in Florida.

An additional $6 million will be spent by the State of Florida Department of Corrections to house Mariel Cubans convicted of felonies in Dade County.

The impact on the State of Florida is exemplified by the following:

The total 1985 costs for Mariel Cubans serving sentences in Florida State prisons is nearly $8 million. With the average remaining sentence for this group of 9 years, the burden on Florida tax payers will exceed $72 million by the time they have completed their sentences.

As great as the impact of Mariel Cuban criminals has been on Dade County and the State of Florida, the 672 Mariel Cubans in Florida prisons represent only 39% of confirmed Mariel Cubans in state prisons throughout the United States. This is a national problem, made partially visable by the previous efforts of local, state and federal officials.

NOTE:

Unexpected levels of concealed U.S. criminal history are being discovered by Immigration Service, FBI and State level law enforcement officials as they begin to process the 100,000+ Mariel Cuban applications for adjustment of immigration status.

Existing immigration examination procedures were inadequate to deal with the special concerns of criminal activity in the Mariel Cuban population nationwide and has necessitated establishment of extensive new computer programming changes in the Department of Justice and at State law enforcement levels.

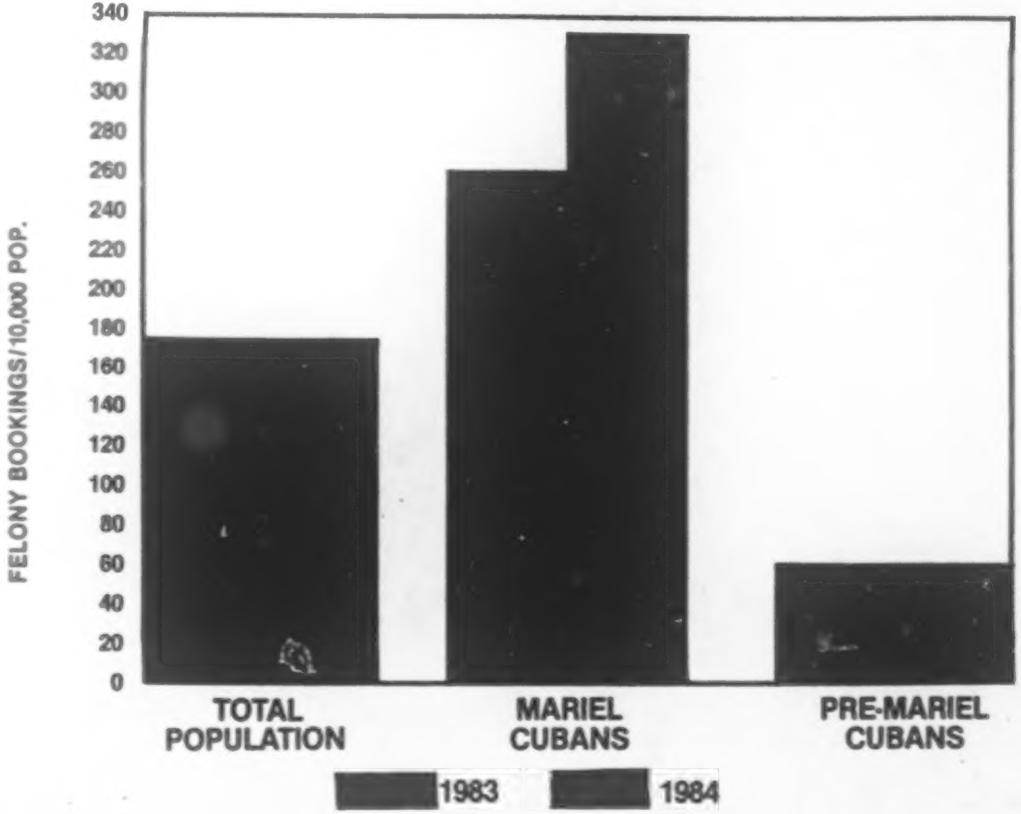
In Dade County, Florida over 63,000 Mariel Cuban applications for adjustment of their immigration status have been filed and will require an estimated 3,500 - 5,000 case disposition reports to be generated. If the computerized criminal history checks are not affective then proposed INS rules could require local police clearances on all 63,000 applicants. That would double the total existing annual positive I.D. and criminal records activity for Dade County police and would cost over $1 million to accomplish.

The alternative would be to abandon the high standards of U.S. citizenship for this group, something none of us should be willing to do.

DADE-MIAMI CRIMINAL JUSTICE COUNCIL

COMPARISON OF FELONY BOOKING RATES

1983 VS. 1984 DATA DADE COUNTY



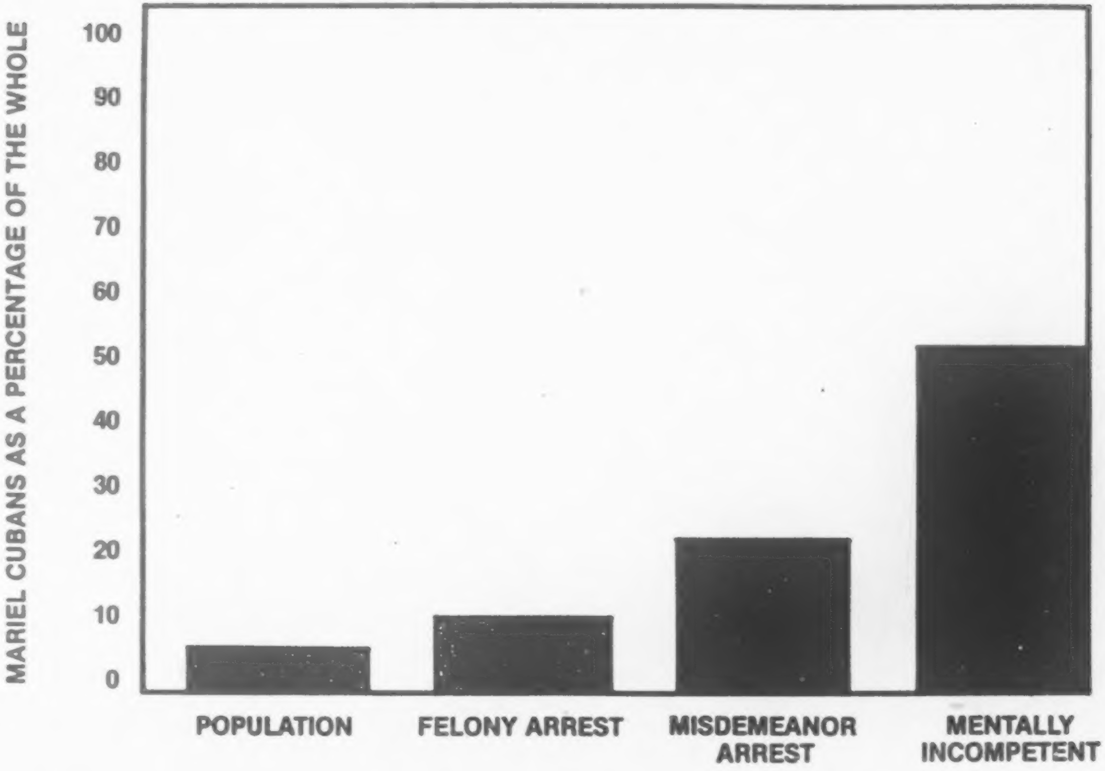
DADE-MIAMI CRIMINAL JUSTICE COUNCIL
POPULATION AND FELONY BOOKINGS
1983 AND 1984 DATA, DADE COUNTY, FLORIDA

ETHNIC GROUP	POPULATION	FELONY BOOKINGS	
		1983	1984
DADE COUNTY TOTAL (INC MARIELS)	173,2000	30,154	34,327
DADE COUNTY TOTAL - MINUS MARIELS	163,2000	27,654	31,038
MARIEL CUBANS	100,000	2,500	3,289
PRE-MARIEL CUBANS	400,000	1,770	1,767

SOURCE: Population Data - Dade Planning Department
Felony Bookings - Dade County Department of Corrections & Rehabilitation

IMPACT OF MARIEL CUBANS

ON THE LOCAL CRIMINAL JUSTICE SYSTEM



1984 DATA, DADE COUNTY, FL

CONFIRMED MARIEL CUBANS IN STATE PRISONS
AS OF APRIL 1, 1985

STATE	INMATES	ADJUSTMENT
PUERTO RICO		1,200
ALASKA	002	
OHIO	006	
RHODE ISLAND	011	
MINNESOTA	016	
CALIFORNIA	019	5,000
GEORGIA	020	
MICHIGAN	022	
WASHINGTON	028	
NEVADA	045	1,000
PENNSYLVANIA	058	
ILLINOIS	074	1,000
WISCONSIN	094	
NEW JERSEY	161	13,000
TEXAS	199	1,000
NEW YORK	287	6,000
FLORIDA	679	63,000

CONFIRMED MARIEL CUBANS IN STATE PRISONS AS OF APRIL 1, 1985

STATE	INMATES	ADJUSTMENT
ALASKA	002	
CALIFORNIA	019	5,000
FLORIDA	679	63,000
GEORGIA	020	
ILLINOIS	074	1,000
MICHIGAN	022	
MINNESOTA	016	
NEVADA	045	1,000
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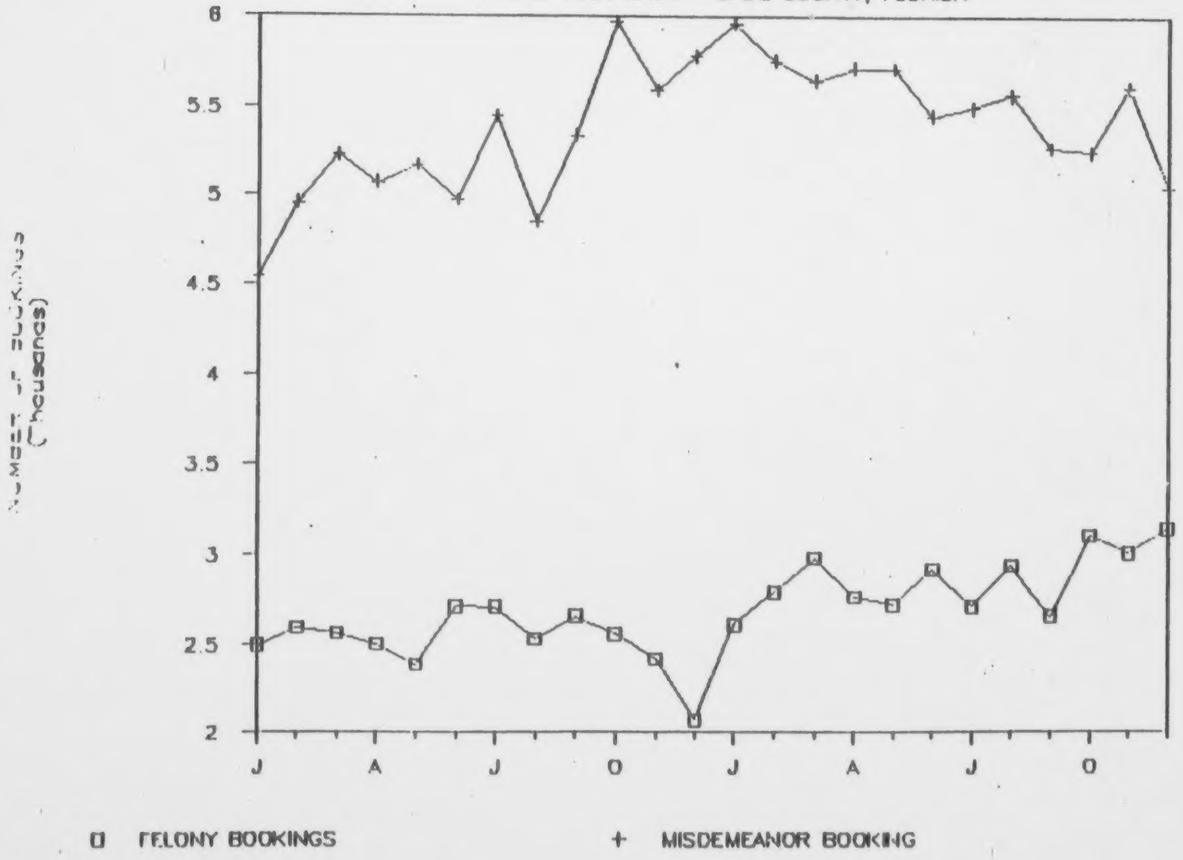
OHIO	006	
PENNSYLVANIA	058	
PUERTO RICO		1,200
RHODE ISLAND	011	
TEXAS	199	1,000
WASHINGTON	028	
WISCONSIN	094	

FELONY & MISDEMEANOR BOOKINGS

1983 & 1984 DATA – DADE COUNTY, FLORIDA



MEMORANDUM

Enclosure 15

DADE COUNTY FORM 107.07-17A

TO The Honorable Mayor and Members
Board of County Commissioners

DATE February 21, 1985

SUBJECT White Paper on Immigration

FROM M. R. Stierheim
County Manager

I am attaching for your information, a comprehensive report compiled by my office on immigration issues affecting Metro-Dade County. I believe this is a powerful document that should be widely read and distributed for national review.

This "White Paper" was compiled at the direct request of Commissioner Harvey Ruvin, Senator Lawton Chiles, and other members of our Congressional Delegation. In fact, the Mayor and all members of the Commission have periodically expressed concern over the magnitude of refugee impact on this community.

Included in this report, is a fiscal impact analysis which identifies those costs which have not been reimbursed by the federal government. In addition, three major issues reflecting our concerns with current federal immigration policies are enumerated.

I want to acknowledge Assistant to County Manager Eileen Maloney's superlative effort in researching and preparing the substance of this report.

Attachment

EXECUTIVE SUMMARY

INTRODUCTION

- This report was prepared by the Office of the Dade County Manager in February 1985, in response to requests made by the County Commission, Senators, and Congressmen regarding Metropolitan Dade County's fiscal posture, continuing problems, and concerns relative to federal immigration policy. (Page 1)

HISTORICAL PERSPECTIVE

- There have been three major waves of immigration as well as significant other influxes into the Dade County Area over the past 20 years. As immigration has increased, the federal government's active acceptance of responsibility has declined. As a result, a permanent stigma regarding new immigration into Dade County has been created. (Page 2)

FISCAL ANALYSIS

- The lack of a cohesive federal financial mechanism to deal with immigration emergencies was illustrated by the numerous federal agencies which responded with partial funding or reimbursement for costs associated with the Mariel Boatlift. (Pages 3-5)

- Even with the milieu of federal financial resources provided, Metro Dade County can document, most conservatively, costs incurred and unreimbursed since 1980 in the range of $41,802,713 - $45,645,433. This contrasts with the $51,909,753 of federal financial assistance received by Metro Dade County exclusively, since 1980. (Pages 6-12)

- All costs incurred cannot be documented. No attempt was made to extrapolate the indirect costs associated with 150,000 people impacting the infrastructure and service delivery system of Metropolitan Dade County and its cities. This impact is demonstrable and undeniable. The impact on the local infrastructure of 150,000 new residents, in 18 months, is the equivalent of the entire population of a Gary, Indiana, or a Raleigh, North Carolina, or a Providence, Rhode Island moving to Dade County. The annual budgets of these cities range from $46.1 million - $131.1 million. (Page 6)

- The costs incurred and unreimbursed are equivalent to one mill in identified property taxes to residents of Dade County whose county faces the stark reality of reaching its constitutionally established 10 mill cap in FY 85-86. (Page 12)

ISSUES

- Communication. Based upon the availability of local expertise, in immigration, probably unequalled in the nation, as illustrated by Commissioner Harvey Ruvin's Chairmanship of a National Task Force on Immigration and Refugee Policy and Sergio Pereira's, Assistant County Manager, federal appointment to manage, nationally, the aftermath of the

Mariel Boatlift, Metro-Dade County specifically requests that lines of communication be opened and attempts be made to cooperatively plan for future immigration. As of this date, there has been no communication with Metropolitan Dade County. (Pages 13 - 14)

° Criminal Justice. We have determined that the issue of funding for all criminal justice expenditures and services to entrants must be elevated to a number one priority, equal to that of health care, based upon the following facts: (Pages 14 - 16)

1) We have documented, on separate occasions, anywhere from 274-368 entrant inmates in our local correctional system alone.
2) Less than 1/4 of our local criminal justice costs have been federally funded or reimbursed, regardless of attempts to share information with the federal government illustrating local criminal justice needs.
3) The federal administrative dislike for the local criminal justice program has heightened to the point that funding will, in all likelihood, be discontinued.

° New Immigration. The implementation of the Cuban Adjustment Act and the reestablishment of normal immigration with Cuba, although welcome, creates an anomaly in immigration policy, in that one particular jurisdiction in the nation will be directly affected. The implementation of these policies raises numerous questions regarding the status of the Cuban entrants and the new arrivals from Cuba, the planned immigration flow, and its overall management. Metropolitan Dade County specifically requests that information regarding this new immigration be shared, and our involvement be required in order that this government and the community it represents can plan accordingly. (Pages 16 - 18)

INTRODUCTION

Over the past several months, a variety of actions have been taken by the Federal government that will have a direct or indirect impact on Metropolitan Dade County and its citizens. Several of these actions have been well publicized such as the adjustment of status of the 125,000 Cuban Entrants who arrived in this country in the Mariel Boatlift; the negotiated agreement with the Cuban government regarding the return of those Cuban Entrants who are in federal custody; the release of certain Cuban political prisoners and their families; and a normalization of immigration procedures between Cuba and the United States.

In addition to these highly visible actions, there has been a series of administrative actions taken by certain federal agencies, less visible perhaps, but no less important to the Dade County community. These included a dramatic decrease in the social service allocation to the State of Florida for refugees/entrants resulting from a formula developed which questionably increased funding substantially in other states; a continued reluctance on the part of the federal government to fund the County's criminal justice program that deals directly with the entrant population regardless of the documentation of need provided by the County; and a deterioration in the County's relationship with INS which continues to be unwilling or unable to respond to the County's requests for information, or to acknowledge the County's established administrative mechanism for dealing with immigration matters that have a direct impact on the community or county agencies. As a result of these actions and at the request of our Senators and Representatives, it was determined that a "white paper" be prepared to assist all interested parties in securing a federal response to the serious issues facing this community.

Therefore, this paper has been developed by Metropolitan Dade County government to accomplish the following purposes:

1) To aggregate, describe, and detail this government's and community's historical involvement in immigration, the impacts associated with immigration, and the issues and questions that arise as a result of new federal policies regarding immigration.

2) To provide a document which serves as a foundation for resolving the many issues that face this community and the State resulting from federal immigration policy.

Metropolitan Dade County's Board of County Commissioners and its administration have consistently gone on record in support of a Federal Immigration Policy that is orderly, planned, fiscally responsible, and implemented in a manner that is fair and equitable to all.

This paper is not intended to negate the benefits the County has received as a result of immigration nor is it an attempt to lay blame on any particular entity. It is simply, and for all intent and purposes, a final attempt by a responsible governmental entity to clearly illustrate and document the problems, issues, and questions faced by this community in dealing with a true federal responsibility -- immigration.

HISTORICAL PERSPECTIVE

Over the past twenty years, there have been three major waves of immigration and other significant influxes of immigrants into the South Florida area. Due to its geographic location and attractive climate, the Dade County community has been the first point of arrival and residence for many of our Caribbean and South American neighbors. The community has thrived and grown as a result of this immigration but it has not been without difficulties particularly as it relates to the most recent immigration experienced locally.

Prior to 1980, the federal government recognized its role as one which was fully responsible for the effects of a stated federal policy. Provisions were made to assist newly arrived immigrants during both the 1959 - 1962 Exodus and the Freedom Flights which took place between 1965 - 1973. Care and concern was shown to the new arrivals as well as a federal financial commitment made to assure that the State and local governments would not be required to assume a significant financial burden. According to a study done by Metro-Dade County's Planning Department, 57 percent of the nation's Cuban born population resides in Dade County. This population is a direct result of initial resettlement and secondary migration, however, it represents a growth which took place over a period of 26 years. This information illustrates the impact of federal policy and highlights the success which an orderly, well planned and financed immigration policy can have. Prior to the Mariel boatlift, mutual benefit was received by both the refugees and the existing resident community. In stark contrast, the Mariel boatlift was handled amid confusion, with a federal financial committment being secured only after numerous legislative battles. More significant was the philosophy, shared by both administrations, that Mariel was not a federal responsibility. As a result, both the Mariel entrants and the community have been disillusioned, and a permanent stigma regarding new immigration into Dade County has been created.

We believe it is unnecessary to repeat the same mistakes which occurred in 1980. However, immigration matters and policies, which have a direct impact on a local community, cannot be made in a vacuum. There is a clear role for Dade County to play and, unless we are included or informed regarding these matters, our expertise based upon 24 years of experience will be meaningless.

DESCRIPTIONS OF FEDERAL ASSISTANCE

It is important to note the differences among the various allocations the County has received for Cuban/Haitian Entrants over the years. The initial allocations in the early years, i.e. 1980-1982, were cost reimbursements under the Federal Emergency Management Agency, Title V of the Refugee Education Assistance Act (Fascell/Stone Amendment), and the Department of Justice (discretionary funds). The next funding allocation was made between June 1982, - September 30, 1983 under a program entitled IMPACT Aid. Since October 1983, funding has been received under the Targeted Assistance Program. Since each of these programs carried different requirements and provided funding for different purposes, a brief description of each is provided.

Federal Emergency Management Agency (FEMA)

FEMA is the emergency response arm of the federal government. The agency response is triggered by a declaration of disaster or emergency issued by the President of the United States based upon a formal request made by the Governor of the affected State illustrating the need for the declaration and the subsequent federal involvement. The federal declaration empowers FEMA to become involved in direct disaster management and to provide reimbursement to State and local agencies for identifiable and documentable "extraordinary costs." Extraordinary costs are those costs which, as determined by the agency, exceed those incurred under regular operational, administrative, or management duties. Each request for reimbursement must be accompanied by documentation, i.e. time sheets, job descriptions, vouchers, etc., which are then reviewed by federal and state FEMA officials for tentative approval. Up to 90% of approved costs may be reimbursed to the local agency, the remaining 10% being withheld until a formal audit is completed.

Title V, Refugee Education Assistance Act (Fascell/Stone Amendment)

This legislation, signed on October 10, 1980, provided for the following:

1) Treatment of Cuban-Haitian entrants as refugees for the purpose of providing them domestic assistance, i.e. cash, medical, and social services, under the terms of the Refugee Act of 1980.
2) Reimbursing states and local governments for up to 100% of costs associated with the provision of cash, medical, and social services.
3) Retroactive reimbursement to states and local governments from 10/1/79 to date of implementation of the Cuban-Haitian entrant domestic assistance program (which began January 15, 1981) for those costs incurred in the delivery of cash, medical, and social services to Cuban-Haitian entrants. All requests for reimbursement required adequate documentation and were to be reviewed and approved by the Office of Refugee Resettlement.

Department of Justice (Discretionary Funds)

These funds were remaining in the Department of Justice as a result of the close out of the old Law Enforcement Assistance Administration program.

Recognizing the serious criminal justice problems faced by local criminal justice agencies in Florida directly related to the Mariel Boatlift, the Administration made available funding to offset these local impacts.

IMPACT Aid

In April, 1982, the Office of Refugee Resettlement issued regulations which dramatically changed the manner in which the refugee cash and medical assistance program had been administered in the past. Previously, the program reimbursed states (which administered it) for 100% of the costs of cash and medical assistance provided to refugees/entrants for a full three-year period. The new regulations provided the following changes:

1) 100% reimbursement for cash and medical assistance for all refugees/entrants for 18 months from date of entry into United States;
2) 100% reimbursement only for those refugees/entrants during the second 18 months of their residence who were eligible under State guidelines for State administered/authorized cash and medical assistance programs.

As a result of these changes, more than 75% of the Cuban/Haitian entrants in the State of Florida lost their federally funded cash and medical assistance benefits beginning in April, 1982. This was due to the fact that Florida only provides cash and medical benefits to low-income single parents, or elderly, blind, or disabled individuals. The majority of Cuban/Haitian entrants were single, male, and between the ages of 25-45. This regulatory action placed the entire burden of support on County government. Congress, recognizing the adverse impact of this action on local governments throughout the country, responded through the creation of the Impact Aid program.

The funds appropriated through the Impact Aid program were directed for use by the Office of Refugee Resettlement to assist local governments with large refugee/entrant populations in offsetting severe local impacts resulting from the cutoff of benefits to their refugee/entrant populations.

Targeted Assistance Program

In Fiscal Year 83-84, the Office of Refugee Resettlement institutionalized the Impact Aid program and changed its name to the Targeted Assistance Program. The recipients remained the same, i.e. those local governments heavily impacted by refugee/entrant populations; however, the thrust of the program changed. Targeted Assistance was viewed by the Office of Refugee Resettlement as a program whose major focus was employment with the necessary health and social services to support the employment program, not as a program whose major focus was to offset local impacts of high refugee/entrant populations. This philosophical change on the part of the Office of Refugee Resettlement created serious problems for Florida in general and Dade County in particular. As a result of continued State and local opposition, certain flexibility was accorded; however, the serious philosophical chasm which continues to exist has created severe problems in local program operations, some of which are insurmountable.

Finally, it is particularly important to note, that the above descriptions of the milieu of funding sources provided since 1980 have not come as a result of an aggressive federal policy which exemplifies the federal government as the responsible entity for immigration. Rather, each appropriation and legislative initiative has been won as a result of long and arduous battles on the part of Florida's Senators and Congressmen, State and local leaders, and active involvement from the private sector. The struggle continues even now, with funding allocations, program directions and implementation, and policy initiatives directed by the federal government creating difficulties at the local level.

FISCAL IMPACT ANALYSIS

This section describes the funding received by Metropolitan Dade County for services to Cuban/Haitian Entrants since 1980. Due to the variety of funding sources and special conditions attendant to each source, the description will be made either by service or source of funding. We have included the time periods covered for each reimbursement or funding allocation. Also included are the grant awards and program descriptions for the County's Impact Aid and Targeted Assistance programs. Reference to the section on Descriptions on Federal Assistance included in this report will assist the reader in understanding the purposes and requirements of each federal funding source.

It should be noted that the transition year for entrant assistance is 1982. During that year, the program changed from one of reimbursement for documentable costs to one of grant awards to deliver services under the Impact Aid program. We have attempted to identify those costs associated with services rendered for which there is no federal funding source available, or for which there is an unfunded balance remaining.

It is impossible to calculate and document all costs incurred for services either past, present, or future. The impact of 150,000 new residents locating in one jurisdiction within an 18 month period is equivalent to the entire population of a Gary, Indiana, or a Raleigh, North Carolina, or a Providence, Rhode Island, locating its residents in Metropolitan Dade County. According to the 1984 Municipal Yearbook, these cities annual expenditures for local services ranged from $46.1 million - $131.1 million. It was the Grand Jury Report for the 11th Judicial Circuit filed on May 11, 1982, which reflects this impact on local infrastructure most succinctly: "How, for example, do we attach a dollar figure to the increased police protection, garbage collection, housing, transportation or other services that must be made available to 150,000 people?" To that we would add our parks, libraries, fire service, environmental impacts, and all governmental services.

I. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

TYPE:	Reimbursement for extraordinary costs related to Mariel Boatlift and processing.
DESCRIPTION:	Overtime, facilities, purchases, equipment, busses, supplies, etc.
REQUIREMENTS:	Substantial documentation, i.e. time sheets, vouchers, purchase orders, receipts, etc.
DATES:	Original claim submitted June 1980, subsequent claims submitted through December 1980, covering approximately April 1980 - October 1980. Final claim resolution - 1984.

EXPENDITURES ELIGIBLE FOR REIMBURSEMENT:	$475,634.06
APPROVED REIMBURSEMENT:	445,976.12
UNFUNDED BALANCE:	$ 29,657.04

II. RETROACTIVE REIMBURSEMENT UNDER TITLE V OF REFUGEE EDUCATION ASSISTANCE ACT (Fascell/Stone Amendment) Excluding Jackson Memorial Hospital

TYPE:	Reimbursement for cash, medical, and social services provided to Cuban/Haitian Entrants.
DESCRIPTION:	General social services, i.e. child care, alcohol, drug abuse, placement, etc., emergency cash assistance, primary health care.
REQUIREMENTS:	Actual documentation, or legitimate and justifiable assignment of costs reviewed and approved prior to payment by ORR auditor.
DATES:	Retroactive reimbursement covered claims for the period covering 10/1/79 - 1/15/81. Final claim resolution occurred by end of calendar year 1981.

AGENCY	SERVICES	RECEIVED
Metro-Dade Department of Human Resources	General Social Services, Primary Health Care	$378,751
Metro-Dade Welfare Dept.	Cash Assistance	5,000
	TOTAL REIMBURSEMENT	$383,751
	UNFUNDED BALANCE -	-0-*

*NOTE: Due to the difficulty in identifying and documenting costs for social services, the request submitted reflected those costs which could be approved under ORR standards. The exceedingly low claim for cash assistance reflected the then County policy of denying benefits to entrants except when an extreme emergency existed. That policy was reversed by the courts.

III. JACKSON MEMORIAL HOSPITAL

FUNDING SOURCE(S):	Public Health Service, Title V Refugee Education Assistance Act (Fascell/Stone Amendment) Impact Aid, Targeted Assistance.
TYPE:	Retroactive Reimbursement, grant award providing direct reimbursement subject to availability of funds.
DESCRIPTION:	Inpatient and outpatient health services.
DATES:	Actual costs and reimbursements cover 10/1/79 - 9/30/84. Estimates of costs and reimbursement cover 10/1/84 - 12/31/84.

OCTOBER 1, 1979 - SEPTEMBER 30, 1984	
Costs	$47,802,790
Reimbursement	37,399,372
Unfunded Balance	$10,403,418

OCTOBER 1, 1984 - DECEMBER 31, 1984	
Estimated Cost	$2,549,550*
Estimated Reimbursement	1,500,000*
Estimated Unfunded Balance	$1,049,550

TOTAL ESTIMATED UNFUNDED BALANCE $11,452,968
10/1/79 - 12/31/84

*NOTE: The calculations made to arrive at the estimated cost and reimbursement for the 3-month period covering October 1, 1984 - December 31, 1984 were developed as follows:

Average costs incurred on a monthly basis based upon a historical pattern:
$849,850/mo. @ 3 months = $2,549,550

Allocation of $6 million of Targeted Assistance funds over a 12 month period for FY 84-85 -
$500,000/mo. @ 3 months - $1,500,000

The utilization of averages can be misleading since the hospital is subject to major fluctuations in patient loads throughout the year. In fact, Jackson is projecting a potential $7 million shortfall at the end of FY 84-85 for services to Cuban/Haitian Entrants, and will deplete its targeted assistance allocation within seven months.

IV. DEPARTMENT OF JUSTICE REIMBURSEMENT

TYPE:	Discretionary funds in the amount of $3 million allocated to State for reimbursement to local governments for documentable criminal justice related expenditures.
DESCRIPTION:	Corrections costs, jail renovation to house additional entrant inmates, court costs, medical examiner costs, etc.
REQUIREMENTS:	Documentation of costs, reimbursement based upon Federal review and audit.
DATES:	Reimbursement covered time period beginning 10/1/79 - 1/15/81. Final resolution of claim occurred in 1982.

AGENCY	SUBMITTED	RECEIVED
Corrections	$1,972,082	$1,540,241
Jail Renovation	582,467	582,467
Metro-Dade Police	1,084,006	258,800
Courts	251,209	180,346
Medical Examiner	53,618	31,575
TOTAL	$3,943,382	$2,593,429
UNFUNDED BALANCE	$1,349,953	

VII. IMPACT AID

TYPE:	Grant to Dade County to diminish the impact of the cash and medical benefits cutoff.
DESCRIPTION:	Food assistance, housing vouchers, health care, employment services.
REQUIREMENTS:	Normal grant process, local program development, submission to State for inclusion in statewide grant application.

DATES: June 1, 1982 - September 30, 1983

AGENCY	DESCRIPTION	AMOUNT
Metro-Dade Community Action Agency	Emergency Food and Shelter	$2,000,000
Employment & Training*	ESOL, OJT, Vocational Training	9,700,000
Metro-Dade Criminal Justice Council	Identification of Incarcerated Entrants, assessment, diversion to Specially Run Programs - Alcohol, Drug Abuse, etc.	1,700,000
Jackson Memorial Hospital	Health Care	14,000,000
	TOTAL	$27,400,000

VIII. TARGETED ASSISTANCE

TYPE: Grant award for specific services to Dade County for entrant population.

DESCRIPTION: Employment focus, health, social services, etc.

REQUIREMENTS: Program developed locally; submission to State for inclusion in State grant application.

DATES: October 1, 1983 - September 30, 1984 (subject to available funding some programs run on a calendar year, some for 7 months, etc.)

PROGRAM/AGENCY	DESCRIPTION	AMOUNT
Employment & Training*	ESOL, OJT, Voc. Ed., etc.	$ 5,554,419
City of Miami*	Social Services, Employment Placement	583,035
Florida State Employment Service*	Job Placement	499,996
Metro-Dade Day Care	Adult Day Care	25,000
Metro-Dade Child Care	Nursery, Pre school	862,225
Mental Health Board*	Mental Health Centers Inpatient/outpatient	2,000,000
Children Medical Services*	Fla. Dept. of Health & Rehabilitative Services	800,000
Health Department*	VD/TB, Maternal Child Health etc.	600,000
Jackson Memorial Hosp.	Inpatient/outpatient, Health Care	5,533,241
A.G. Holly Hospital*	TB Hospitalization for Dade County Entrants	350,000
Criminal Justice Council	Intake and Assessment, Entrant ID, Diversion to Social Services	2,000,000
	TOTAL	$18,807,916

OCTOBER 1, 1984 - SEPTEMBER 30, 1985

AGENCY	AMOUNT
Metro-Dade Day Care	$ 1,000,000
Children's Medical Services*	800,000
Employment & Training*	3,150,000
Criminal Justice Council	2,000,000
A. G. Holly Hospital*	150,000
Jackson Memorial Hospital	6,000,000
TOTAL	$13,100,000

*NOTE: Those programs identified by (*) are not included in total federal funds received by Dade County since they are not county agencies.

Projected funding - not yet approved for FY 84-85 resulting from an additional allocation based upon available funds by ORR.

AGENCY	AMOUNT
Metro-Dade Job Coordination	$ 1,247,200
Metro-Dade Child Care	725,863
Metro-Dade Criminal Justice	711,000
Metro-Dade Com. Act. Agency	126,000
Jackson Memorial Hospital	1,500,000
Administrative Costs	70,606
TOTAL*	$ 4,380,669

*NOTE: This total not included in total of federal funds received.

IX. UNFUNDED COSTS INCURRED

A. Criminal Justice

1. Incarceration Costs

When head counts and positive identifications have been made, the lowest count for the main jail only has been 274 entrant inmates. On a system-wide basis, i.e. main jail, women's detention, stockade, the number of entrant inmates was 368. Counts change daily and we are unable to afford the costly undertaking of daily counts to solely identify entrant inmates through cross checks with immigration numbers. Since we have and can positively identify those entrants in the above stated costs, we feel secure in utilizing the following range to determine an annualized cost estimate for incarceration:

FY 1984-85

A range of 274-368 entrant inmates x
annual cost per inmate of $10,220 = $2,800,280 - $3,760,960

2. Court Costs

a. Estimate number of entrant felony cases processed per year of 2,727 x average cost per case of $764 = $2,083,428

b. Estimate number of entrant misdemeanor cases per year of 13,860 x average cost per case of $164 = $2,273,040

TOTAL COURT COSTS	$4,356,468	
ESTIMATE OF TOTAL ANNUAL COSTS UNFUNDED	$7,156,748	- $8,117,428
UNFUNDED COSTS SINCE FY 81-82	$28,626,992	- $32,469,712

NOTE: This figure does not include other Court related costs borne by the State through the State Attorney, Public Defender, and the Judiciary. Dade County also incurs unreimbursed costs as a result of entrant criminal activity in the areas of law enforcement, forensic mental health services, and victim services. Unfortunately, the costs in these areas are extremely difficult to define and collect.

B. Emergency Assistance

Metro-Dade County's Emergency Assistance Program provides temporary cash assistance and/or special services such as housing or clothing to individuals who are unemployable, i.e., physically or mentally unable to work and who have no other means available for support. It is a program with a limited annual budget which cannot operate once funds are depleted. It was established by the County in the 1960's to respond to the needs of citizens who were not eligible for State assistance and faced emergency conditions. In fact, today many of our clients are referred by State agencies who have determined them ineligible under State guidelines for AFDC or SSI.

FY 1982 - 83* .

Entrants Served	Type of Service	Cost
11,786	Cash Assistance and/or Special Services (housing, clothing, etc.)	$161,817

*NOTE: The large number of clients reflects two significant occurrences:
1) Court order requiring Dade County to provide assistance to entrants previously denied.
2) April 15, 1982, more than 75% of entrants lost federal benefits.

FY 1983 - 84*

Entrants Served	Type of Service	Cost
1,899	Same as above	$181,326

*NOTE: Higher costs with lower client load reflects significant increase in demand/need for cash assistance rather than support services and longer periods of assistance.

X. FISCAL IMPACT CONCLUSIONS

Since 1980, Metro-Dade County Government has received $51,909,753 from the federal government. This does not include funds received by any other service provider in the Dade County area, i.e., City of Miami, HRS, South Florida Employment & Training Consortium, Mental Health Board.

Based upon all the documentation contained herein, this report illustrates that since October 1, 1979, Metro-Dade County has incurred unreimbursed costs for certain services to Cuban/Haitian Entrants that range from $41,802,713 - $45,645,433.

As we approach our upcoming fiscal year 1985-86, looking squarely in the face of our constitutionally established 10 mill cap, it is staggering to reflect that those documentable unreimbursed costs are equivalent to approximately 1 mill in property taxes to Dade County residents. In addition, these do not include the costs for services which we incur but cannot directly quantify or document.

ISSUES

This section of the paper will delineate three major issues which Metropolitan Dade County Government believes must be addressed over the next several months by all levels of government in order to avoid any further misunderstandings or confusion, and to foster a mechanism through which new immigration patterns can be effectively managed and planned for by the pertinent parties affected.

Due to a basic lack of information available to this local government, one of the sections will focus primarily on questions which must be answered. It is believed that through the reading of the questions posed, the dilemmas faced by this jurisdiction will be illustrated.

Communication

Inextricably tied to all issues which follow is the apparent lack of willingness on the part of the executive branch of the federal government to effectively communicate or share, with State, local, and even on occassion Congressional representatives, pertinent information regarding decisions which will have a direct or indirect impact on a particular jurisdiction. In the area of immigration policy, the federal branch assumes the role of sole responsible agent, disregarding the fact that the ultimate responsibility for service delivery is left up to the local and/or State jurisdiction. In fact, it oftentimes appears as though the federal branch of government views its responsibility as solely in the area of policy, negotiating and reaching final decisions in a vacuum, without local input, and once these decisions have been made, viewing any other responsibility as State or local in nature.

To address the issue more specifically, both the State of Florida in general, and Metropolitan Dade County in particular, have found themselves in the unenviable posture of responding to federal immigration decisions of which they become aware through reading the paper or watching the news. The truly unfortunate aspect of these consistent occurrences is the fact that both Metropolitan Dade County and the State of Florida have identifiable staff who have a knowledge and expertise in the area of immigration which are probably unequalled in the nation. Leading examples of this resident expertise include, Dade County Commissioner Harvey Ruvin, who chaired a national task force on immigration and refugee policy; Sergio Pereira, Assistant County Manager, who was appointed by and loaned to the previous Administration to assist in the managing of the aftermath of the Mariel Boatlift; Dewey Knight, Assistant County Manager, a recognized expert on refugee matters; Eileen Maloney, Assistant to the County Manager and legislative liaison, who is an authority on immigration law and funding; and the County Manager, who, as Chief Executive Officer for Metropolitan Dade County, is responsible for and managed all operations relating to immigration and its impact on Dade County, dating back to his tenure as an Assistant City Manager for Miami during the 1959-61 Cuban exodus.

Secondly, as illustrated in this paper, Metropolitan Dade County has had more than 20 years of experience in dealing with the successes of and problems related to large scale influxes of individuals seeking refuge in the United States. Finally, and perhaps most important, Metropolitan Dade County, except when faced with overwhelming costs and the potential for serious fiscal impact, has consistently attempted to work with the federal government with regard to immigration matters. It has only requested that, based upon past experience, any new immigration be orderly, planned, and provide sufficient time to the local community to develop the necessary capacity to service potential needs. Disparingly, these efforts and requests have, just as consistently, been ignored.

The issue of communication is clearly nonpartisan, its ineffectiveness and lack of consistency carrying over from one administration to another without regard to party affiliation. Metropolitan Dade County has never viewed its role as one which dictates or creates immigration policy. Rather, it has viewed its role as one which can provide a necessary local perspective coupled with a responsibility to its citizens to assure that their local services will not be disrupted or overburdened. The position of the federal government, which ignores these repeated requests through its actions rather than statements, and views this integral relationship as unnecessary, is indefensible and must be remedied. Therefore, we, once again, call upon the executive branch to open lines of communication, share information, and cooperatively plan for future immigration, thereby helping us to help them accomplish their policy without disruption.

Funding for Criminal Justice Services to Entrant Population

It was not until the entrant influx of 1980 that Metropolitan Dade County insisted that the federal government participate financially in the reimbursement for or development of programs and services to entrants who impacted the local criminal justice system. It was not until the 1980 influx that individuals were admittted into this country, en masse, without prior screening and evaluation. It was not until 1980, that a clearly identifiable, albeit small (estimated 10-12 percent), group of individuals with serious mental health or past criminal histories, were admitted into this country. Thus, although the federal government had never before provided refugee related funding in this area, it was viewed, and still is by this local government, as a justifiable, logical and legitimate financial endeavor for the federal government to undertake, regardless of the fact that such financial assistance had never before been provided.

It is important to note that despite the following facts: an acknowledgement by the federal government that this population exists; efforts made by this local jurisdiction to clearly document, identify and illustrate the problem; a federal court order which hangs over this jurisdiction's head with regard to jail overcrowding; anywhere between 274 - 368 actually identified and documented Cuban entrants residing within our local prison system on any given day at an annualized cost of between $2 - $3 million a year; estimated local court costs which average $4 million a year; and regardless of these annualized local costs, this jurisdiction has received minimal reimbursement over a four year period for criminal justice services; the administration has consistently shown a dislike for the funding of these services, granting only tacit approval for the expenditure of funds, and continually raising roadblocks regarding the legitimacy of these expenditures. In fact, the administrative dislike for this program has heightened to the point where it is obviously intended that funding be discontinued whenever politically feasible.

This jurisdiction has recognized the dilemma faced by the Office of Refugee Resettlement in funding a criminal justice component for which there is no past precedent and, therefore, we developed a model program which utilized a variety of social services as a means to divert as many entrant inmates as possible from the jail. Thus, we believed we had accomplished a task which both served Dade County by somewhat reducing the burden on the local criminal justice system while, at the same time, funding only those services for which HHS has been historically noted, i.e. psychological assessments, mental health, alcohol, drug abuse, domestic intervention, etc. It appears, however, that because these services are targeted to the criminal justice population, ORR cannot internally legitimize the expenditures.

We cannot complain that this criminal justice component has not been funded, for it has. However, the increasing difficulties encountered by this government in operating this program, the repeated issues raised, and the ongoing demands for justification of our utilization of targeted assistance funds for nonemployment related services, have reached such a momentum whereby this jurisdiction takes the view that funding for criminal justice related services is tenuous at best. Given this local assessment, we have determined that the issue of funding for criminal justice expenditures and services to the entrant population must be elevated to a number one priority and one that includes funding for all expenditures, including special police activities necessary to address crimes committed by Mariel entrants, and not just those which can legitimately be labeled "social services." This contention can be justified by substantial documentation provided by the Metro-Dade Police Department (MDPD) which highlights the County's response through the creation of special crime suppression teams and the designation of uniformed patrol officers to address the following areas: Youth gangs, credit card rings, pickpocket activities at the airport, agricultural crimes, and a host of other criminal activities. In sum, a look at the MDPD budget in FY 1980-81 and FY 1984-85 shows a dramatic increase from $77.4 million to $131 million in only a 5-year period, which we contend can partially be attributed to the criminal activities of the Mariel entrants.

We have documented the fiscal impact on this government for incarceration and court related costs for the entrant population. We have compiled data on this population which presents type of crime committed, number of offenses, level of education, history of past mental health problems, current mental health problems, number of resettlements, longevity of employment, Atlanta releases, and even the prisons or other institutions in which many were detained in Cuba. We have analyzed and documented the recidivist nature of this population, and finally, we have concluded, based upon the expertise of the psychologists and treatment specialists who work in the program, that there is a specific segment of this population for which there is no cure, treatment, or program which will assist them in assimilation. This information does not rest on our shelves, we have shared it with the administration, and finally we shared it with the press, but all appears to have fallen on deaf ears. We are providing services, less than 1/4 of which have been federally funded, that are clearly and historically a federal responsibility, at local taxpayers expense.

Historically, immigration holds would be placed upon individuals who fell under INS supervision if criminal violations had been committed. However, given their inability to deport Mariel entrants, the federal government has eluded its responsibility for utilizing federal personnel, facilities, or funds, thereby shifting the cost to local governments and states to deal with those Mariel criminals we have identified. Had the federal government assumed its legal and fiscal responsibility and taken over the care and custody of this population, the costs to the federal government would have been far higher, yet our efforts have been virtually ignored and even more importantly left uncompensated.

Even the precedent setting P.L. 98-411, the Justice Department Appropriations Act passed last year, which provided up to $5 million for reimbursement for jailed Mariel Cubans, excluded local governments from participating in the program directly. We did not embark upon operating a criminal justice program to deal specifically with entrants without justification or direction. We had received over $1 million in reimbursement from the federal government for documented expenditures for these services and this population's local impact was established. In addition the Grand Jury report for the Eleventh Judicial Circuit which was filed in May of 1982 contained the following specific recommendation:

> (2) "...it is futile to recommend the federal government make such a commitment (to adequately staff/fund INS) and we recommend instead that at the local level we develop a capacity for identifying illegal and dangerous entrants and...transmit the information to INS for appropriate deportation proceedings and for the placement of the individuals in federal custody."

The identification process was established and information shared. When no response was received, or action taken, we established the currently funded program of identification, assessment, diversion, and service to lower the impact on our local criminal justice system.

There reaches a point where no amount of creativity or diversity of approaches will effectively minimize local fiscal impact. There are areas of responsibility in which "public-private partnerships" cannot be negotiated. Finally, there are times when tolerance levels are reached, especially when the one programmatic effort to minimize the fiscal impact is threatened. We, therefore, ask that the federal government immediately assume its rightful responsibility for dealing with this issue. That it address the burdens and impacts faced locally in good faith, and seek whatever means necessary to compensate and alleviate Metro Dade County of this burden.

Cuban Adjustment - New Immigration

As was previously discussed in this report, the Dade County area has experienced three major periods of Cuban immigration. Prior to Mariel, the federal government assumed full financial and management responsibility for the newly arrived refugees. Over a period of years, and as a result of orderly immigration, effective resettlement, and financial assistance, a support system for the newly arrived immigrants was established and kept in place until 1980. In stark contrast was the federal response to the Mariel boatlift which left both the County and State in the position of primary manager and financier of an immigration crisis of great proportions.

The announcement of the policy permitting 125,000 Mariel entrants to utilize the Cuban Adjustment Act to achieve permanent resident status was met by this government with both a sense of relief and concern. It is generally agreed, that providing the opportunity to the 125,000 entrants to change their status thereby legally becoming residents of Dade County, will directly benefit the Cuban entrants residing here. However, a segment of this population continues to have a direct impact on our local service delivery system. It concerns us that the probability exists, that as a result of their change in status, the funding we receive from the federal government to provide necessary services to this population will be diminished if not totally eliminated. Clearly, the establishment of legal residency should not be viewed as an elimination of fiscal or service responsibility. Regardless of our position in this area, a federal policy will be established and, therefore, it necessitates an appropriate local response. We ask to be informed of the federal decision in a timely manner, one which will afford us the opportunity to present our case and plan for its local implementation.

In addition to the questions regarding the change in status of the Cuban Entrant population, are questions which arise in terms of the new Cuban immigrant population which will be arriving to the United States. The County and State governments have never moved from their position of support for continued efforts at family reunification. It is simply that numerous issues arise when one considers the potential for an influx of 20,000 - 30,000 new immigrants a year into Dade County. As was stated earlier, the federal government previously provided a support system to assist new arrivals in the assimilation process. It appears that this will not be the case in the managing of this new influx. Apparently, the federal government will treat this as normal immigration which occurs from countries throughout the world. It is our contention that it is different for a number of reasons:

1) It is likely that the 20,000 visas, which will be available to Cuban residents who have expressed the desire to leave the island, will be applied for.
2) Many of the Mariel entrants left some family in Cuba, therefore, the natural desire will be to apply to have their family join them here.
3) Miami's location and cosmopolitan nature creates a desire for incoming immigrants, even those without family ties, to locate in Dade County.
4) The affidavit of support signed by sponsors is not legally binding, thereby creating the potential for individuals in need of care or support to turn to the County.

As a result of these reasons, it is a legitimate contention that this is not "normal" immigration in the sense that it will have a direct impact on one community in this country and not necessarily be dispersed or shared throughout the nation. Therefore, we are asking that the federal government recognize the differences in this immigration and assist the County and its residents in preparing for it. We are not asking for a significant federal handout, nor are we crying wolf, we are merely requesting that an effective support system be in place so that burdens or financial crises that may arise can be properly addressed, particularly in the areas of education, health care, and other support services.

In conclusion, there are a series of questions which we feel must be addressed and we are willing to assist in the development of strategies:

1) What status will the new arrivals be accorded?
2) What status will the political prisoners and their families be accorded?
3) What will be the schedule of arrivals?
4) What is the anticipated number of all arrivals, i.e. political prisoners, immigrants, family members?
5) When will the process begin?
6) With regard to the Cuban Entrant population:
    (a) How many have applied for residency?
    (b) Does residency application occur on an annual basis?
    (c) How will the background check be done, and determinations regarding past criminal involvement in the United States be made?
    (d) Will new residents be eligible for services under the targeted assistance program and will the status change have a direct impact on funding?
7) Finally, what systems regarding resettlement, sponsorship, or support have been or are being considered to handle the new immigration?

Without the answers to these questions, it is impossible for this local community to effectively plan for its potential population growth. More importantly, without the necessary facts, speculation and fear will increase causing the orderly implementation and development of strategies to be impossible.

Enclosure 16

ALIEN CRIMINAL TRACKING
Management Analysis Bureau
September 15, 1986 (Chiefs)
September 16, 1986 (GAO)

I. BACKGROUND:

A. Mariel Opens: Castro announced opening of Port of Mariel for Cubans in U.S. to come pick up their relatives.

1. Unexpected to U.S., people flocked to Cuba to get relatives out, or hired someone else to do so.

2. Hundreds of small boats formed Freedom Flotilla, almost a solid line of boats of all sizes and descriptions were moving between Florida Keys and Cuba, including some opportunists charging $10,000-plus cash in advance to pick up relatives for Cubans.

3. First boats arrived in Key West on April 21, 1980.

   a. Federal agencies in dispute over handling.

   b. During May, 88,817 Cubans arrived in the Florida Keys. (DC Study)

   c. U.S. agencies could not handle processing; poor fingerprints; no background information. Obvious that some had no immediate relatives in the U.S.

4. Processing of arrivals soon indicated they included many undesirables (felons, sexual deviates, prostitutes, mentally ill) who were inadmissible under U.S. immigration laws. Some had been taken from prisons, mental hospitals, terminal care facilities, or rounded up on streets by the Cuban government and placed on boats with legitimate refugees.

B. Haitians also started arriving at scattered locations along the seacoast of Florida in overcrowded, unseaworthy vessels.

1. Unlike Cubans, most were seeking economic refuge, not political.

   a. Not eligible for political refugee status; therefore, majority (estimated 60%) evaded contact with INS (Haitian Task Force).

   b. Haitians had more difficulty being assimilated into society due to:

      1) Immigration status (fear of deportation).

2) Experience with abusive secret police and other government authority in Haiti.

3) Limited or no education.

4) Superstitions.

5) Many could not understand English or French, only Haitian Creole.

II. During the ensuing months, the crime rate soared. Dramatic increases were noted after April, 1980.

A. Tried to get data as to impact of aliens on the Department (esp. Mariel refugees). Criminal justice (CJ) systems not designed to capture data.

1. Needed for local law enforcement response to rising crime rate.

2. Also needed for justifying requests for reimbursement from federal government.

B. Data very sketchy.

1. No agency was geared to process the huge mass of people.

2. No records review process was in place.

3. No procedure had been established to follow for processing and storing.

C. Attempted to get handle on alien criminal activity because aliens are an identifiable group and can be removed from the community administratively as well as through the CJ system.

D. Mariel refugees are most visible source of problem, although other alien groups contribute; e.g., Jamaican, Nigerian, Colombian.

III. Current Situation:

A. The approximately 100,000 Mariel Cubans currently in Dade County, are over 75% of the estimated 131,000 Cubans who arrived in the U.S. in 1980, at which time they were dispersed throughout the nation. (The Miami Herald - Tropic 7/6/86)

B. 15,000-20,000 of the Mariel Cubans have established criminal records that could prevent U.S. Citizenship. (DMCJC)

C. Approximately 2,000-2,500 are also violent, mentally disturbed, and a danger to themselves and others. Many of those with a history of criminality, moral turpitude, mental illness, or violence are excludable under U.S. laws. (DMCJC

D. Currently, about 350-400 in Dade County pretrial and correctional facilities daily. (MDCRD)

E. Metro-Dade Corrections and Rehabilitation Department (MDCRD), alone, spent over $6 million to house Mariel Cubans during 1985. (MDCRD)

F. Currently, Marielitos represent 5% of Dade County population, 11% of jail bookings, and 50% of those are incompetent to stand trial in local courts. (DMCJC)

G. Florida spent almost $8 million to maintain Marielitos in the state penal system in 1985, and they have an average remaining sentence of 9 years. (DMCJC)

H. The 672 Mariel Cubans currently incarcerated in Florida prisons represent only 39% of confirmed Mariel Cubans in state prisons throughout the U.S. (DMCJC)

I. Marielitos are being released at an average 100 per month nationally and 16 per month in Florida. (DMCJC)

J. 63,000 Mariel Cubans have applied for immigration status adjustment and require criminal history checks. (DMCJC/U.S. INS)

K. Dade County has a Hispanic population estimated at 750,000 (42.4% of population). (Planning Department)

  1. Estimated 525,140 of Cuban birth or descent (30% to total population).

L. Estimated 75,000 Haitians (4% of total); only 40% identified by INS. (Haitian Task Force)

  1. Do not report crimes.

    a. Fear of deportation.

    b. Poorly educated.

c. Minimal job skills.

d. Burden on health and social welfare agencies.

e. Many live in overcrowded, substandard, or unsafe housing.

IV. Problems for Enforcement:

A. Poor processing on arrival makes positive identification difficult.

1. Poor quality fingerprints.

2. No background information.

B. Use of false identification:.

1. Verbal.

2. Documents.

3. Officer recognition (need training).

C. Fingerprints are filed manually with applicant record by Department of Justice and accessed by INS assigned alien number. Only criminal records automated.

D. Criminal justice authorities have not generally recorded INS A No. like they do a Social Security number; e.g., A-Form.

E. Many aliens in U.S. illegally are not on record with INS.

F. Criminal data bases not linked.

1. Many are manual.

2. Computerized systems are incompatible.

3. Criminal justice authority not aware of existence of some data bases or how to access.

G. INS Alien No. not required to be recorded on police documents.

H. Priorities of different criminal justice entities.

I. Offense-Incident (initial police) reports are not computerized.

J. No centralized source of intelligence.

1. Requires trust/cooperation.

2. Controls: who needs; who has access.

K. Printrak data base still small (but growing).

L. Limited interface with other jurisdictions who have similar alien criminal problems.

M. Federal government taking custody pending deportation.

N. Militant associates are demonstrating for release.

O. Local government absorbs cost; e.g., health, social services, education, and public safety (fire, police, corrections, courts).

P. Dade County Crime rate increasing overall.

  1. Primarily related to illegal drugs (70%).

Q. There is presently no positive link between the criminal justice system and INS, to ensure INS is notified when an alien is convicted of a crime

R. Impact of aliens on crime rate (example from Project CARE, DMCJC):

  1. Native-born American victims decreased as a proportion of all victims from three-fourths to one-half between 1979 to 1984:

    a. Mariel Cuban victims increased from 0% to 27%. By 1984, relative to their number in the population, Mariel victims were five and one-half times over-represented.

  2. Native-born American offenders decreased from 79% to 57% of all known offenders between 1979 and 1984:

    a. Mariel Cuban offenders increased from 0% to 21%. By 1984, relative to their number in the population, Mariel offenders were four times over-represented.

  3. By 1984, for drug-related homicides:

    a. Mariel Cubans were 34% of the victims, and just over half of the offenders;

    b. Relative to their proportion of the total population, Mariel victims of drug-related homicides were six times over-represented; as offenders, they were nine times over-represented; however

    c. Drug-related homicides were already a large proportion of all homicides (25% in 1979) before the arrival of the Mariels.

V. Responses to Problems.

A. Initiatives.

1. DMCJC has ID'd approximately 6,000 hardcore criminals in Metro-Dade Corrections facilities and at the Federal Penitentiary in Atlanta.
2. Florida Department of Law Enforcement (FDLE) is developing forced choice offense-incident arrest, and disposition forms. They include ethnic information and INS No., if available.
3. Florida Eleventh Circuit Court (Dade County) is reviewing entire Criminal Justice System and attempting to eliminate redundancy.
4. FDLE is developing an Automated Fingerprint ID System (AFIS).
5. Miami Police Department has an automated latent print system.
6. MDPD has acquired Printrak.
    a. Automating all current bookings.
    b. Automating 2,000 to 3,000 manual Criminal Histories per month.
    c. Can utilize Miami Police Department's latent files.
    d. Can link to approximately 20 other law enforcement agencies, including NYCPD, RCMP, Metro. Washington, D.C., Northern Virginia, Suburban Maryland.
7. MDCRD has developed an Inmate Profile System (IPS) and is using parts. The system will:
    a. Facilitate positive ID in minutes.
    b. Track movements while in custody.
    c. Document cell, diets, cell mates, visitors, etc.
    d. Utilize retina scanning in addition to fingerprint ID.
8. DMCJC has trained INS, U.S. Marshals, and others in recognition of aliens.
9. ACTS working group has ID'd 63 files systems (manual and automated) currently used by MDPD. Attempting to link in a timely manner.

10. MDPD Homicide and Sexual Battery units have acquired the IBM, Storage and Information Retrieval System (STAIRS) software program, and are using to track specific crimes or M.O.s. The feasibility of expanding departmental use of STAIRS is being studied.

11. The Integrated Criminal Apprehension Program (ICAP), Management of Criminal Investigations (MCI), is being expanded within MDPD. Hardware has been acquired, procedures developed, and installation is in progress.

12. MDPD recently acquired a number of PCs and the IBM System 36, which is being linked to the County mainframe.

13. A representative of the Associate Commissioner - Enforcement, INS, offered to develop and sign a formal agreement with appropriate local enforcement agencies to grant automated access to INS alien files - by INS No.

14. DOJ is testing an expansion of NCIC to provide an Interstate Identification Index (III).

15. MDPD has expanded the ethnicity codes used on various reporting forms.

16. Departmental SOP on career criminal ID and follow-up has been developed and is almost ready for staffing.

B. To be done.

1. Determine what course of action will most cost effectively serve public needs not only in Dade County but throughout the nation, as we all ultimately will be impacted by recidivist criminals.

2. Provide information to INS concerning criminal activities of aliens. They are deportable and, if deported, we can reduce crime rate.

3. Require entry of INS No. and other alien identifiers on reporting forms, when available.

4. Develop and implement an automated system whereby a radio or criminal records query will set in motion a series of arrest, crime analysis, operational, and management reports; e.g., scheduling, accounting, and tracking (crimes and criminals).

5. Ensure that the system has adequate access and safeguards.

C. Summary: The Main Points We Have Covered Are:

1. We were (and are) poorly equipped to deal with mass immigration, particularly from the standpoint of automation. Problems documenting criminality of Mariels/Haitians.
2. The Mariel Cuban/Haitian problem is a national problem, as is any mass immigration.
3. We have difficulty ID'ing an alien; whether legal or not.
4. We are not particularly interested in alien status except that:
    a. It provides a means of removal from the community at no cost to us.
    b. Opens possibility of federal reimbursement for CJ expenses resulting from a federal action beyond local control.
    c. It documents criminal activity that may be principally the realm of one ethnic group; their M.O.; provides indicators that could assist in containing or disrupting such activity; enhances departmental accountability.
5. A lot of data is kept in CJ (and Non-CJ) files.
6. CJ information systems are poorly (or not) linked with each other and INS.
7. In view of available resources, our thrust has been to integrate alien criminal tracking into existing and developing systems which have the larger scope of tracking all criminals.
8. A system constructed to positively identify and track alien criminals will also positively identify and track other criminals.

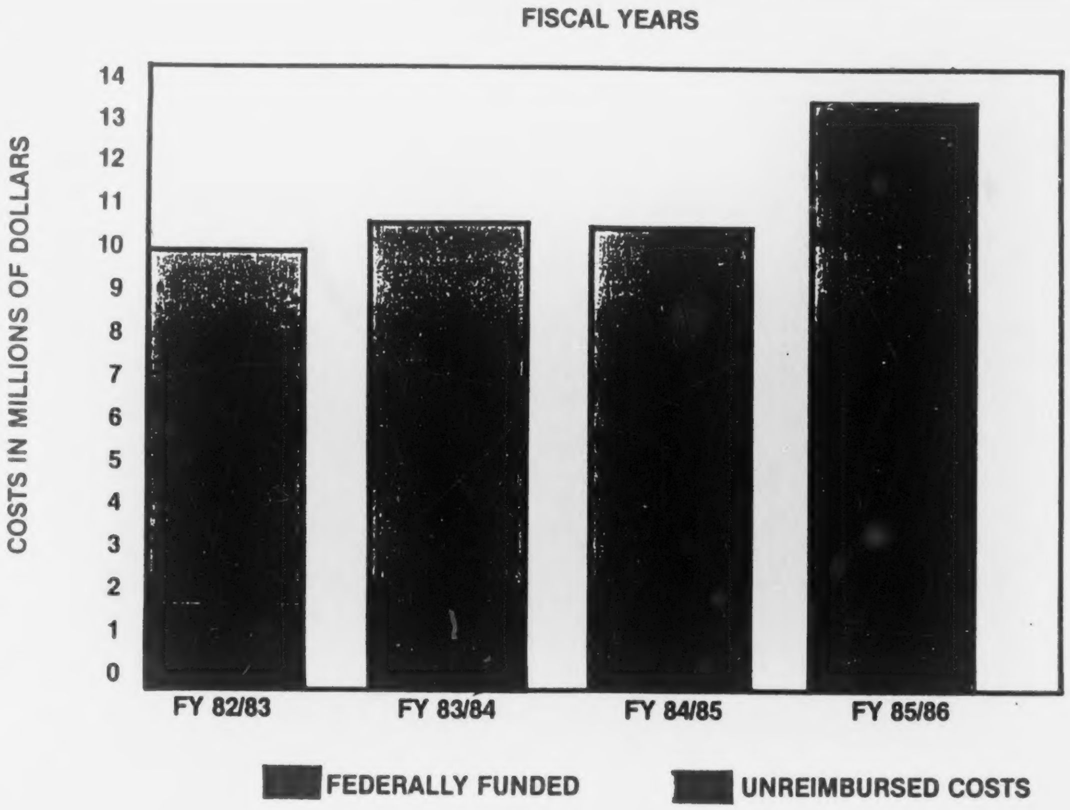
FELONY & MISDEMEANOR BOOKINGS

1983 VS.1984 — DADE COUNTY, FLORIDA

AR	J	F	M	A	M	J	J	A	S	O	N	D	TOTAL
83													
lony (F)	2489	2590	2557	2499	2382	2708	2706	2528	2653	2554	2415	2073	30154
ad (M)	4541	4956	5225	5069	5168	4972	5440	4852	5337	5969	5590	5780	62899
tal (T)	7030	7546	7782	7568	7550	7680	8146	7380	7990	8523	8005	7853	93053
84													
lony (F)	2607	2790	2980	2762	2719	2918	2709	2940	2653	3104	3006	3139	34327
) 84 VS 83	118	200	423	263	337	210	3	412	0	550	591	1066	4173
(F) 84 VS 83	4.74%	7.72%	16.54%	10.52%	14.15%	7.75%	0.11	16.30%	0.00%	21.53%	24.47%	51.42%	13.84%
lad (M)	5957	5758	5644	5716	5711	5449	5493	5565	5273	5247	5606	5048	66467
M) 84 VS 83	1416	802	419	647	543	477	53	713	-64	-722	16	-732	3568
(M) 84 VS 83	31.18%	16.18%	8.02%	12.76%	10.51%	9.59%	0.97	14.69%	-1.20%	-12.10%	0.29%	-12.66%	5.67%
tal (T)	8564	8548	8624	8478	8430	8367	8202	8505	7926	8351	8612	8187	100794
T) 84 VS 83	1534	1002	842	910	880	687	56	1125	-64	-172	607	334	7741
(T) 84 VS 83	21.82%	13.28%	10.82%	12.02%	11.66%	8.95%	0.69	15.24%	-0.80%	-2.02%	7.58%	4.25%	8.32%

COMPARISON OF CRIMINAL JUSTICE COSTS

TO FEDERAL REIMBURSEMENTS DADE COUNTY



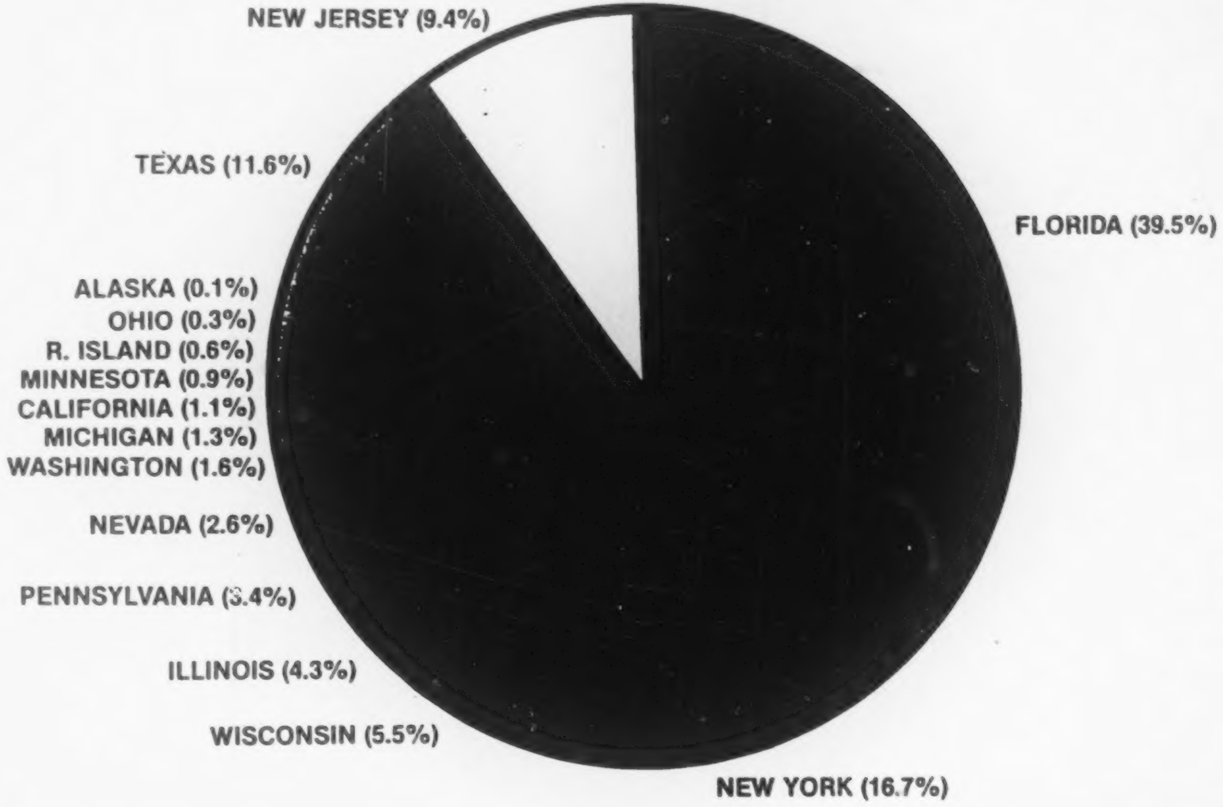
COMPARISON OF CRIMINAL JUSTICE COSTS VS. FEDERAL REIMBURSEMENTS FOR FISCAL YEARS 1982-1986 (PROJECTED) IN MILLIONS OF DOLLARS

FISCAL YEAR	FY 82/83	FY 83/84	FY 84/85	FY 85/86
FEDERAL FUNDING	1.7	2	2	1.4
COUNTY JAIL	3.8	3.8	3.8	6.4
COURTS	4.5	4.5	4.5	5.5

SOURCE: WHITE PAPER ON IMMIGRATION FEBRUARY 21, 1985 DADE COUNTY M

MARIEL CUBANS IN STATE PRISONS

OFFICE OF JUSTICE ASSISTANCE, MAY 1985



3/31/85

THE NEW YORK TIME

Cuban Refugee Crime Grows in U.S.

A diplomatic agreement providing for the the United States to deport back to Cuba 2,746 refugees classified as criminal or mentally ill offers little comfort to law-enforcement officials, who say that refugees who fled the port of Mariel in 1980 have been linked to an unusually large number of crimes.

"The deportation is a step, but a very small step," said Robert O'Leary, assistant prosecutor in Union County, N.J.

The vast majority of the 8,000 refugees in Elizabeth, the Union County seat, are law-abiding, like most Mariel refugees elsewhere. But Mr. O'Leary and the Elizabeth police say that more than 600 of the group in have been arrested on felony charges.

A third of the 1,700 felony and misdemeanor arrests last year in Union City, N.J., involved "Marielitos," as the refugees are known, although they account for a small proportion of the city's population, according to government and social agency officials.

In New York City, where neither the Federal nor the municipal authorities have been able to estimate the number of Mariel refugees, they have accounted for more than 10,000 of the one million felony and misdemeanor arrests made from 1980 to 1984, according to Detective Donald Benderoth, a former member of the department's Marielito Task Force now assigned to the Bronx Detective Area Task Force. No information on the number of Mariel refugees who have been convicted was available, he said.

Criminal Records in Las Vegas

According to Tom Keller, a member of the Marielito Task Force of the Police Department in Las Vegas, Nev., 550 of that city's 2,000 refugees are "career criminals." Mr. Keller said 102 of the refugees had been convicted on felony charges and an undetermined number of others had been convicted of misdemeanors.

Law-enforcement officers in California, Florida, and Pennsylvania tell similar stories.

Of about 3,000 refugees in central Los Angeles, 2,000 have been arrested on misdemeanor and felony charges since 1980, according to the Los Angeles police department. One third of those arrested have been convicted, said Detective Manny Mata, who is assigned to crimes involving Mariel refugees. Since 1982 an average of four a day have been sent to the Federal penitentiary in Atlanta from California state prisons, Mr. Mata said.

have known how many criminals were among them," he said. "It's absolutely erroneous to suggest that the Administration somehow deceived the American people by understating the amount of criminals who came through the boatlift."

Jody Powell, the White House spokesman in the Carter Administration, who said in 1980 that Cuban refugees who had committed crimes "will not be resettled or relocated in American communities under any circumstances," declined to comment recently. "I was only the spokesman," he said.

At the White House, a spokesman referred questions about the refugees to the Immigration and Naturalization Service.

"There's not much we can do," said Duke Austin, a spokesman for the agency. "We detained the ones who other refugees pointed out as having been in jail. Otherwise, there wasn't much we could've done. We were dealing with a government that refused to cooperate, with an influx of people who brought no records and whose names we could not even verify."

The Federal Bureau of Investigation said it does not collect information on the criminals among the Mariel refugees and so has no position on whether the figures cited by local officials are correct, according to Manuel Marquez, a spokesman for the bureau. "It's just not our problem," Mr. Marquez said.

25 Refugees Returned Each Month

Mr. Austin of the Immigration and Naturalization Service said Marielitos who committed crimes in the United States would be labeled excludable and eventually deported. Under the agreement reached Dec. 14 between Washington and Havana, the refugees who have committed serious crimes either in Cuba or in the United States are being returned to Cuba in groups of approximately 25 per month.

Mr. Pereira and other local officials said that the criminals among the refugees lack records that would make tracing them easier, are virtually indifferent to arrest and imprisonment, are sometimes extremely violent and are very well organized.

Mr. Pereira said the criminals were in "completely alien territory" upon their arrival. "They didn't know the language, they weren't familiar with the penal system here," he said. "But in no time they've established criminal links across the country — between Florida and California, between Las Vegas and New Jersey."

A Las Vegas police report reaches the same conclusion. "Our observations confirm a national conspiracy exists," the report says.

A recently released report on criminals among the Mariel refugees compiled by the police department in Harrisburg, Pa., concluded that the criminals' networks were used in pursuing such crimes as airline-ticket fraud, credit-card fraud and cocaine and marijuana trafficking.

Two years ago, 12 refugees were among a group of 31 people convicted of credit-card fraud in Miami. One of the refugees was the leader of the ring, Detective Steve Ellison of the Miami Economic Crime Unit said. What officials found most remarkable about the operation, Mr. Pereira said, "was that it had been controlled by people who, three years before, had never even seen a credit card. There are no credit cards in Cuba."

Many Refugees Register

In January the refugees became eligible to register for permanent residency, which police departments hoped would result in a reliable form of identification. But immigration officials say that one-third of the Mariel refugees have not registered.

The report prepared by the Harrisburg Police Department was distributed to law-enforcement officials from Pennsylvania, New York, New Jersey and Florida who met in Philadelphia on Oct. 4 to discuss strategies for combating Marielito crime.

In addition to holding gatherings like the one in Harrisburg, law-enforcement agencies in many areas are exchanging information and picturesin an effort to improve their ability to handle criminals among the refugees. Perhaps their greatest source of frustration is the indifference they perceive on the part of the Federal Government.

"Ordinarily," said Mr. Pereira, "a person with a confirmed criminal record trying to enter this country would be considered excludable, not eligible to stay. Most [illegible] the Marielitos have proved to be good people, but thousands were criminals, technically excludable. And unfortunately, they were released into communities along with the good people."

"Who let the criminals into this country?" Mr. Pereira complained. "Washington. Now they have to share responsibility, deal with the consequences."

“Parasites on Their Own People”

Gangs are tougher, better armed and more violent than ever

Chicago's Humboldt Park is a dangerous area, but last March Blanca Ibarra and her family felt safe enough to troop to a photo studio near the park. It was Ibarra's 15th birthday, and the family wanted to record the event. Two jittery gang members, under the impression that a rival group was gathering, opened fire, wounding two and killing one. In cities large and small, the surge of new immigrants has led to a sharp rise in crimes committed by ethnic gangs. In earlier waves of migration, the members were Irish, Jewish and Italian. Now they are primarily Hispanic and, increasingly, Asian. In January FBI Director William Webster added Asian gangs to the bureau's list of priority concerns.

LOOKING FOR EASY MONEY AND A WAY OF DEFINING THEMSELVES

In an initiation rite, a new member of the 18th Street gang is beaten in Los Angeles

The West Coast has been hardest hit, particularly the Los Angeles area. Says Detective John Clark: “We're keeping a lid on it, but that's about all.” There are 422 gangs reported in the county, and they “are putting communities over the barrel of a gun,” says Tom Garrison, an aide in the youth gang agency of Los Angeles. This “is a war zone.” The Mexican Mafia and Nuestra Familia, both hatched in prison, have long been a problem. But now Monterey Park, a once placid community east of the city, is torn by Chinese thugs. Orange County, home to tens of thousands of Indochinese immigrants, has a severe extortion problem. Hispanic gangs, some of them using identifying tattoos and hand signals, have spread throughout the area. The Mojados (wetbacks) specialize in small-time crime in downtown Los Angeles: pickpocketing and robbing motorists at knifepoint in underground garages. “It's find a buddy and go to Fifth and Hill for an easy hit or two,” says Police Sergeant Joe Suarez.

Like earlier immigrant gangs, observes Manhattan-based U.S. Attorney Rudolph Giuliani, the new arrivals “at the core are acting as parasites on their own people.” In classic fashion they concentrate at first on shaking down local merchants. One difference, officials agree, is that the modern gang is vastly more violent and better armed than its predecessors. The Viet Ching, Vietnamese of Chinese extraction in Los Angeles, pack .357 Magnums and, occasionally, machine guns. In San Francisco, says Inspector John McKenna, “it's not uncommon to see guys carrying grenades.”

Tattooed ID: XV3 for 18th Street

While immigrant gangs once stuck to their own turf, rarely bothering the citizens uptown, the new gangs are becoming highly mobile, moving easily around a city and sometimes across the country. West Coast police report that Vietnamese groups may strike one night in San Jose, a couple of nights later in Dallas or Washington. Chinese gangs hound their prey all over the country. “They operate as though any Chinese person anywhere is fair game,” according to a recent FBI report.

Two new groups of immigrant criminals are unusual. The Colombian cocaine dealers, sent to the U.S. as operatives in the drug trade, work out of South Florida and up the East Coast. Thus far they have limited themselves to what they know best, coke, but officials fear that with their capital, highly developed organization and icy ferocity, they could easily expand their activities.

The other unprecedented gangster phenomenon is the Marielitos, who arrived in Florida in 1980 when Fidel Castro loaded up a refugee boat lift with the dregs of his prisons. The crime rate in Miami's Little Havana jumped an astonishing 83% within months of their arrival. The Marielitos have since fanned out around the country, and special police squads have been set up to deal with them in cities as varied as Las Vegas and Harrisburg, Pa. With no central bosses or structure, the Marielitos operate as loose bands of conscienceless predators, uneducated and wild but also shrewd. One of their first bold strokes: dressed as police SWAT teams, they began invading the homes of Miami drug dealers. Besides stealing cash and dope, the raiders made a point of pistol-whipping, torturing and occasionally raping their victims, who, given their business, could not call police. Last year two drug dealers shot two Dade SWAT team members, thinking they were Marielitos in disguise.

Most disaffected immigrants join gangs for the conventional reasons: a sense of belonging, easy money, the need to define themselves against a bewildering, alien culture. “They group for protection, then quickly graduate up when they see the big profits in crime,” says Garrison. Many authorities believe that the problem is here to stay. “Today the fellows do not leave the gang,” says University of Chicago Sociologist Irving Spergel. “They are not educated. There are no more unskilled jobs. There is no place to go.” Others think the new bands will fade, just as most older ones did. “Gangs last only as long as members can't make it in the mainstream,” says UCLA Psychologist Rex Beaber. “As the expectations of success go up, the need for the protective gang enclave diminishes.” One scholar already sees some reason for hope in Miami. The offspring of the brutal Marielitos seem to be different from their parents, reports University of Miami Sociologist Jerome Wolfe. “The children have been no great social problem,” he says. “They are being assimilated and Americanized. They are future good citizens, like the descendants of the once feared Irish, Italian and Jewish gang members.” *—By John Leo. Reported by Martin Casey/Miami and Richard Woodbury/Los Angeles*

A Booming but Tainted Specialty

Plenty of work for honest lawyers—and their less savory colleagues

Immigrants seeking the legal right to live in the U.S. are often desperate and helpless, and for that reason immigration law is a booming specialty. Membership in the American Immigration Lawyers Association has tripled in the past decade, to 1,800, and there are thousands of other lawyers who do immigration work part time. Yet despite the efforts of the A.I.L.A. and others to upgrade the field, immigration law has a less than sterling reputation.

"It's a wide-open ball game for exploitation," says Attorney Peter Larrabee, a former officer for the Immigration and Naturalization Service who is head of the A.I.L.A.'s San Diego chapter. "There is an enormous amount to be made if you're crooked." Five lawyers have been convicted or sentenced this year on charges stemming from immigration-law violations. Two have been disbarred. The best known of the high-profile immigration lawyers, Gerald Kaiser of New York City, was indicted in April by a federal grand jury in Florida for allegedly defrauding other lawyers, who paid as much as $60,000 to join his national chain of immigration-law firms.

The flood of immigrants, which includes thousands seeking professional and business careers, provides plenty of work for honest lawyers, who can earn $70,000 a year or more and who often contribute free legal services to the neediest. Some are respected human rights attorneys, like Miami's Ira Kurzban, who besides conducting his regular private practice has given much time free to defend Haitian boat people. Complains A.I.L.A. Executive Director Warren Leiden: "There's a bad rap against immigration attorneys."

But a rap there is. INS officials are among the critics: they estimate that 30% of permanent-residence petitions are fraudulent, with corrupt or incompetent lawyers often to blame. To have much hope of gaining a coveted green card, an immigrant must be related to a U.S. citizen or permanent resident, qualified to fill a job for which there is a shortage of applicants in the U.S. or be a refugee facing persecution at home. Each category has bred its schemes and near scams. The easiest and most popular is the sham marriage. "Some are so phony they don't pass the laugh test," says Washington Lawyer Michael Maggio. In some cases prostitutes have been hired to say "I do" to aliens they have never met.

Labor certification is sometimes fraudulent but more often merely inventive. Says Beverly Hills Lawyer Richard Fraade, who regularly obtains working papers for foreign VIPs: "My job is creative packaging." Some lawyers are called upon to design a job description so specific that no one except their clients—who may already hold the jobs illegally—are likely to qualify. On occasion, wholesale lying is involved; attorneys have been involved in setting up bogus companies that do nothing but substantiate the credentials of visa seekers.

Qualifying for refugee status or asylum is extremely difficult, but the appeals process can take years. "Jamming the system buys time," notes Peter Nunez, U.S. Attorney in San Diego. "Delays work to the benefit of the aliens." Manhattan Lawyer Richard Silverblatt pleaded guilty this year to criminal charges after he filed a series of phony asylum applications. His clients, who did not know how he was keeping them in the country, happily paid his fees.

FEAR, DELAY AND BAFFLING RULES

Ross and a client confer before a hearing

Few clients pay lawyers more happily than illegal immigrants, who live in fear that tomorrow will bring a deportation order. Many aliens look on their own lawyers as part of a threatening system, says Boston Attorney Sharryn Ross. "They don't believe that they can't just pay me more to get them what they want." Immigrants desperately turn to non-lawyers too. Some Latins, including Mexicans, are used to retaining lawyers known as *notarios* to handle many legal matters at home. Notary publics in the U.S. sometimes take advantage of that confusion and charge fees for useless or misleading advice.

Immigrants must also be wary of incompetent lawyers, warn A.I.L.A. officials. With a nearly impenetrable INS bureaucracy supervising complex and muddled laws, a lawyer who does not specialize in immigration work may not have enough expertise. The A.I.L.A. has a screening process and a three-year waiting period to make sure new members meet both ethical and competency standards. Beyond that, it is urging other states to follow the example of Texas and establish board certification for immigration lawyers, which would create a list of trustworthy, reliable attorneys. But, admits Denver's Robert Heiserman, A.I.L.A.'s ethics committee chief, immigration law is so baffling that even "a good lawyer will be wrong in a substantial number of cases." —***By Michael S. Serrill. Reported by Anne Constable/Washington and Richard Woodbury/Los Angeles***

Paper, Paper and More Paper

The room is as wide as a tennis court and as long as a football field. Along one end are tiers of metal drawers, jam-packed with filing cards. Each card represents a file that is not there because there is not enough room. These absent files have been sent to New Jersey, but 25,000 of them are hauled back every year. Near the door stand rows of shopping carts full of files in transit.

Welcome to the headquarters of the Immigration and Naturalization Service in New York City. Its 2.1 million files, according to a devastating new report by the National Academy of Sciences, symbolize the INS's inability to "produce reliable, accurate and timely statistics that permit rational decision making concerning immigration policy." For example, the report asks, "Do immigrants, legal and illegal, take jobs away from unskilled natives, especially minorities and youth? We just don't know." Do aliens pay more in taxes and Social Security than they receive in Government services? The answer is the same.

The statistics presumably lie somewhere in those files, but the report describes the system as Dickensian. "The contents, when you can get to them, are still paper, the paper is still sometimes wrong, often incomplete and always clumsy, and it takes three days to put files back . . . Sometimes the files can't be found; they've been misplaced in some bureaucratic limbo. And even if the paper system were improved [it] would still be wholly useless for answering larger questions . . . to create a basis for national immigration policies."